



# **ALASKA ASSOCIATION OF MUNICIPAL CLERKS**

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## **Clerk's Handbook**

**Revised  
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## CHAPTER 1

# WHAT IS A MUNICIPAL CLERK?

### Historical Role: A Proud Profession

The clerk's office is a service agency and, historically, the oldest office in municipal government. It is the citizen center where individuals can find information about the operations and history of the municipality. Because one of the most important links between a municipal government and its citizens is through accurate and prompt communications, the clerk's office should be staffed and equipped to fulfill all of its delegated duties.

Some of these duties may include fulfilling requests for information, receiving and responding to complaints, and distributing notices, agendas, calendars, correspondence and other information about municipal activities. Since there is a constant demand for the information maintained in the clerk's office, an efficient filing and retrieval system should be in place.

The clerk sometimes serves as an ambassador for the municipality by representing the mayor and governing body at out-of-town conferences and meetings. In addition, the clerk often sits as the official representative of the municipality on local boards and commissions.

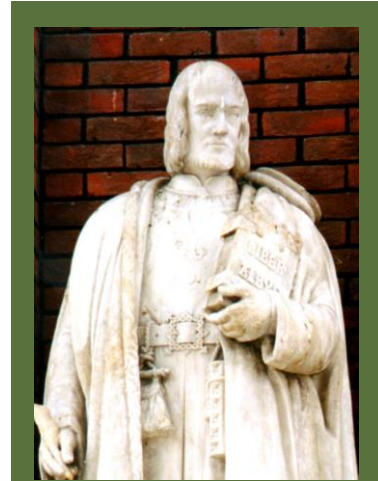
### Hub of Government

Municipal clerks are the hub of government, the direct link between residents and their local government. The clerk is the historian of the community, with the entire recorded history of the local government in the clerk's care.

In 1934, Professor William Bennett Munro, an eminent political scientist, wrote one of the first textbooks about municipal government in which he states about the office of the municipal clerk:

*"No other office in municipal service has so many contacts. It serves the Mayor, the Council, the Manager (when there is one), and all administrative departments without exception. All of them call upon it, almost daily, for some service or information. Its work is not spectacular, but it demands versatility, alertness, accuracy, and no end of patience. The public does not realize how many loose ends of city administration this office pulls together."<sup>1</sup>*

These words are still applicable today and the job is more demanding than ever before.



Historically, the municipal clerk is one of the oldest government professions in the world. In fact, the earliest records of the clerk's duties are in the Bible.

Isaiah, Chapter 36, tells about the "scribe and the recorder;" Acts, Chapter 19, describes how "the town clerk quieted the crowd."

The early colonists set up local governments when they came to America, and the office of clerk was among the first to be established when the colony at Plymouth appointed a person to act as a recorder.

The clerk's profession has come a long way since the days of ancient Greece when the clerk opened each official meeting by reading a curse on anyone who would try to deceive the people.

<sup>1</sup> Munro, W. (1934). *Municipal administration*. New York, Macmillan Co.

## Appointment & Qualifications

The method of appointment and term of office of the municipal clerk in Alaska are determined locally by ordinance or home rule charter; the majority of clerks are hired by and work for the governing body (assembly or council).

If there is no local provision, state law calls for the clerk to be appointed by the chief administrator in municipalities that have not adopted the manager plan of government and by the manager in municipalities with the manager plan. The appointment must be confirmed by the governing body. State law does not establish a term of office for the clerk; the clerk serves at the pleasure of the hiring official. AS 29.20.360

Qualifications are established locally.

## General Duties Mandated in State Law

- ❖ **Attend Meetings and Keep the Journal** – The clerk attends all meetings of the governing body and keeps a journal of its actions (minutes). This duty may be delegated, but the responsibility is still the clerk's (See Chapter 2). AS 29.20.380(a)(1)
- ❖ **Retain Official Seal** – The clerk has custody of the official municipal seal (see Chapter 4). AS 29.20.380(a)(2)
- ❖ **Give Notice of Meetings** – The clerk notifies governing body members and the public of the time and place for governing body meetings. The clerk ensures that notice and other requirements for public meetings are complied with and ensure that public records are available for public inspection as required by law. In most cases, the clerk prepares and publishes or posts these notices (see Chapter 2). AS 29.20.380(a)(3) and AS 29.20.380(a)(1)

A full list of situations requiring notice per Alaska State Statutes can be found in AS Title 29. Note that additional notice requirements may be adopted by a local jurisdiction. Always check with legal counsel when determining appropriate public notice for your circumstance.

- ❖ **Develop A Retention Schedule For Municipal Records** – The clerk manages municipal records and develops retention schedules and procedures for inventory, storage, and destruction of records as necessary. AS 29.20.380(a)(4)
- ❖ **Maintain And Make Available for Public Inspection an Indexed File Containing Municipal Ordinances, Resolutions, Rules, Regulations, And Codes** – The clerk is responsible for maintaining and indexing municipal records and for making them available to the public. The clerk also attests (confirms to be genuine) deeds and other documents, such as ordinances, resolutions, minutes, and contracts, by signing and affixing the municipal seal (see Chapter 4). AS 29.20.380(a)(5)
- ❖ **Prepare Agendas** – The clerk prepares agendas and agenda packets as required by the governing body. Many clerks prepare agendas for meetings of the governing body; most prepare and distribute agenda packets (see Chapter 2). AS 29.20.380(a)(6)
- ❖ **Conduct Elections** – The clerk administers all municipal elections and publishes, posts, and gives notice of elections. The clerk also prepares petitions and verifies signatures for initiative, referendum, and recall elections (see Chapter 5). AS 29.10.040, AS 29.26, AS 29.20.380(a)(7), and AS Title 15



- ❖ **Ensure Compliance with Voting Rights Act** – The clerk ensures that the municipality complies with the U.S. Voting Rights Act to make sure that minority-speaking residents are able to exercise their right to vote. AS 29.20.380(a)(8)
- ❖ **Administer Oaths and Affirmations** – The clerk administers oaths and affirmations to new members of the governing body and on any other necessary occasion. AS 29.20.380(a)(9)
- ❖ **Serve as Parliamentary Advisor** – The clerk must thoroughly know the rules of the parliamentary procedures used by a governing body. The clerk advises governing body members on the appropriate use of parliamentary procedures. AS 29.20.380(a)(10)
- ❖ **Perform Other Duties Required by Law, The Governing Body, or the Chief Administrator** – Duties of the clerk vary from municipality to municipality, depending on the local government services provided and the number of employees. AS 29.20.380(a)(11)
- ❖ **Receive Campaign Disclosure Statements** – Candidates for elective municipal office and municipal officers file their financial disclosure statements with the clerk, unless residents have voted to exempt them (see Chapter 5). AS 39.50.020

## Customary & Locally Mandated Duties

### Serve As Staff for Governing Body

The clerk is generally the principal staff for members of the governing body and often serves as a sounding board for elected officials. It is crucial that the clerk remain impartial and never take sides in conflict amongst members. Above all, the clerk should maintain a high standard of integrity, professionalism and confidentiality.

Clerks are often asked to research issues and supply elected officials with the information they need to make educated and sound decisions for the community they serve. Clerks may also draft ordinances and resolutions for elected officials and city administration (see Chapter 6).

### Administer Clerk's Office

The clerk's office is organized to be helpful to the public and efficient in its operations (see Chapter 7). Some of the functions administered by the clerk's office may include:

- ❖ **Answer Citizen Inquiries/Complaints** – Often the clerk is the main municipal person with whom the public has contact. The clerk answers questions, directs callers to the proper source, and provides a pressure valve for irate citizens (see Chapter 6).
- ❖ **Maintain Tickler File** – The clerk establishes, whether it be paper or electronic, a “tickler” file (a reminder system) of deadlines and of public facility schedules, including meeting dates, report deadlines, expiration dates, and financial reporting dates (see Chapter 7).
- ❖ **Receive And Distribute Mail** – The clerk may date stamp all incoming mail, as well as set up a mail handling policy for the municipality (see Chapter 7).
- ❖ **Serve As Staff For Boards And Commissions** – The clerk advertises for volunteers to serve on boards and commissions, arranges for interviews, writes appointment letters, and often attends meetings and takes minutes. Original recorded minutes of board and commission meetings are also kept by the clerk (see Chapter 2).

- ❖ **Issue Licenses and Permits** – Part of the clerk’s duties may be to issue licenses and permits and to collect fees (see Chapter 9).
- ❖ **Serve As Treasurer and/or Financial Officer** – In some municipalities, the clerk is also the municipal treasurer; in others, the clerk serves as the financial officer. AS 29.20.380(b) “The governing body may combine the office of clerk with that of treasurer. If the offices are combined, the clerk-treasurer shall, as required of the treasurer, give bond to the municipality for the faithful performance of the duties as clerk-treasurer.” Many small community clerks are also the administrator, personnel officer, etc. (see Chapter 8).
- ❖ **Serve as Ex Officio Assessor** – In some municipalities, the clerk serves as ex officio assessor (see Chapter 8).
- ❖ **Clerk Duties as Notary Public** – There are two types of Notary Commissions: 1) Regular Commissions, and 2) Limited Governmental Notary Commissions. The statutes allow both types of commissions to be held concurrently if you desire. See Chapter 9 for notary resources and how to apply for a Notary appointment.

### **Serve as Part of a Management Team**

As part of the management team, the clerk may work with department heads, the manager/administrator, and/or mayor to form and implement policies of the governing body. It is essential to be as familiar as possible with state statutes concerning municipal government (primarily Title 29), local ordinances or charter and current policies and procedures. The clerk is often the main communications link between elected officials and city staff.

Since the city clerk is generally well-informed on what is happening with the governing body and the community, it may be helpful to meet regularly with city staff to keep communication open and facilitate follow-up on governing body actions. The clerk, who usually works directly for the governing body, should keep in mind that department heads and other managers report to the city administration.

Many clerks perform human resources duties for the city and administer oaths of office for new members of the administration in addition to the oaths for elected officials.

### **Deputy Clerk**

The role of the deputy varies from municipality to municipality. In most communities, the deputy is a full-time employee in the clerk’s office and serves as an assistant to the clerk. In others, a municipal employee is designated deputy clerk, but serves only when the clerk is absent. The responsibilities and duties are established locally, based on the needs of each municipality.

## **Professional Development & Certifications**

All successful professionals sharpen their skills on a regular basis. The clerk’s job is multi-faceted and changing. New citizen demands, legal changes in procedures and new information technologies have increased the pace of work and require clerks to plan and expedite many different tasks at once. Clerks are the citizen’s first point of contact in their local jurisdiction, and elected officials count on the clerk to make sure that public meetings, records, elections and other special projects operate smoothly.

The best way to keep abreast of the latest issues and trends is by investing in continuing education and obtaining certifications. To assist clerks with their professional growth and development, education programs are offered through the Alaska Association of Municipal Clerks Conference, the Northwest

Clerks Institute, the Annual Conference of the International Institute of Municipal Clerks, and through online courses offered by IIMC.

Contact the AAMC Education Director for details or visit the AAMC Professional Development page at <https://www.alaskaclerks.org/general/page/professional-development>.

### **Alaska Association of Municipal Clerks Conference**

The Conference is held in conjunction with Alaska Municipal League's Annual Local Government Conference during November or December of each year on subjects important to clerks. Attendance at the annual business meeting and academy all contribute points toward obtaining the professional designation Certified Municipal Clerk.

### **International Institute of Municipal Clerks (IIMC)**

The International Institute of Municipal Clerks (IIMC) is a professional, nonprofit association that promotes continuing education and certification through university and college-based institutes and provides networking solutions, services, and benefits to its members worldwide.

IIMC provides two professional designations to enhance the job performance of the clerk in small and large municipalities:

#### **❖ Certified Municipal Clerk (CMC) Program**

The CMC program is designed to enhance the job performance of the Clerk in small and large municipalities. To earn the CMC designation, a Municipal Clerk must attend extensive education programs. The CMC designation also requires pertinent experience in a municipality. The CMC program prepares the applicants to meet the challenges of the complex role of the Municipal Clerk by providing them with quality education in partnership with institutions of higher learning, as well as State/Provincial/National Associations. The CMC program has been assisting clerks to excel since 1970.

#### **❖ Master Municipal Clerk (MMC) Program**

The MMC program is one of the two professional designations granted by the International Institute of Municipal Clerks (IIMC). The MMC program is an advanced continuing education program that prepares participants to perform complex municipal duties. The program has an extensive and rigorous educational component and a professional and social contribution component. The MMC applicant must demonstrate that they have actively pursued education and professional activities.

To review the requirements for the CMC and MMC designations, visit IIMC's website at <https://www.iimc.com> for more information.

A copy of the IIMC Code of Ethics is included in the Appendices.

### **Athenian Leadership Dialogues**

In addition to the CMC and MMC certifications, Municipal Clerks also have an opportunity for continued education and leadership development through participation in Athenian Leadership Dialogues. Each dialogue is based on the common reading of a selected book by all the participants followed by a full day (6 hours) of dialogue with fellow clerks. Dialogues are conversations in which clerks share their experience and understanding as it relates to the ideas of the author and the relevance of those ideas to their public leadership role.

Dialogues are conversations that go beyond the usual knowledge recall and application process familiar to all municipal clerks in training seminars. They are unique because they explore leadership principles and practice, drawing on the insights contained in a book that all participants have read.

Municipal Clerks who have completed 10 Athenian Leadership Dialogues are eligible to apply to become Athenian Fellows and can go on to receive training and mentorship to become Athenian Leadership Dialogue facilitators for future dialogues.

### **Northwest Clerks Institute**

NCI provides a comprehensive curriculum in public administration management, technical skills, and professional/personal development. The Institute experience is a unique combination of state-of-the-art classroom training, high impact networking, and one-on-one mentoring with municipal leaders and instructors. The professional friendships developed at the Northwest Clerks Institute will prove invaluable over the course of a clerk's career.

## CHAPTER 2

# MEETINGS, ASSEMBLIES, COUNCILS & COMMITTEES

### Open Meetings Act

State law requires that all meetings of all municipal bodies (assemblies, councils, committees, boards, and commissions) be open to the public and that there be reasonable public notice; even informal meetings are covered by the law. The notice must include the date, time, and place of the meeting and, if the meeting is by teleconference, the location of any teleconferencing facilities that will be used. It is recommended to include the subject matter in the notice. There must be an opportunity for the public to be heard at all regular and special meetings. AS 29.20.020; AS 44.62.310 - .312

A copy of AS 44.62.310-312 Government Meetings Public is included in the Appendices.

It is recommended that open meeting requirements be incorporated into governing and advisory body (assembly, council, commissions, or boards) manuals and other training guidelines. They should be notified that the Open Meetings Act applies to informal meetings, subcommittees, and to any meetings when a quorum of that body will be present. AS 44.62.310(h)

Sample open meeting guidelines are included in the Appendices.

Although it may not be necessary, it is a good idea to give notice when all or some of the governing/advisory body members will be attending the same event, such as the Alaska Municipal League Conference or a local event hosted by another entity.

### Type of Meetings

#### Regular Meetings

The governing body conducts most of the municipality's business at regular meetings. Regular meetings must be held at least once a month, unless otherwise provided by local ordinance or charter. Regular meetings are set for the same time each month (e.g. first Wednesday of each month). AS 29.20.160(b)

#### Special Meetings

In general law municipalities, the presiding officer or one third of the governing body members may call a special meeting, if a majority of the members are given at least 24 hour notice and reasonable efforts are made to notify all members. AS 29.20.160(b)

Home rule municipalities may have different requirements; check local ordinance and/or charter.

Special meetings may be held for a variety of reasons. Some examples include certifying an election, adopting the budget or conducting business if immediate action is needed. **Special meetings must be restricted to the subject named in the notice; in these instances, the governing body may not act on other subjects.**

#### Emergency Meetings

According to state law, a special meeting may be held with less than 24 hour notice if all members are present or if the absent members sign a waiver, either before or after the meeting. However, some municipalities permit this type of special meeting only in cases of an emergency or disaster. AS 29.20.160(b)

### **Executive Session**

An executive session is part of a meeting closed to the public. In addition to your local ordinance or charter requirements, the following subjects may be discussed:

- ❖ Matters, the immediate knowledge of which would clearly have an adverse effect upon the finances of the government unit.
- ❖ Subjects that might tend to prejudice the reputation and character of any person, although the person may request a public discussion.
- ❖ Matters which, by law, municipal charter, or ordinance are required to be confidential.
- ❖ Matters involving consideration of government records that by law are not subject to public disclosure.

Executive sessions can only be convened during a meeting of the governing body open to the public and for which proper public notice has been given. A proper motion must be passed to enter executive session. No action may be taken in an executive session. The subject may be discussed and debated, but all official action must be taken in open session. An executive session requires a motion, a second, and a vote. AS 44.62.310 - .312

In some municipalities, the clerk attends executive sessions; in others, the clerk attends and also records them; in still others, clerks are excluded. Each governing body decides the role of its clerk in each executive session. A clerk's role may change for each session.

### **Committee of the Whole**

Committee of the Whole, if used by a governing body, is commonly held before and noticed the same as a regular meeting. It is a device that enables the full governing body to give detailed consideration to a matter under conditions of freedom approximating those of a committee. It is also the governing body's opportunity to ask questions of Department Heads and Division Directors regarding department issues on the regular agenda. The results of any votes taken are not the final action of the governing body and are recommendations.

### **Work Session**

Work sessions are informal meetings at which no official action can be taken. They are open to the public and notice must be given. Because no action is taken, minutes are not required, but often a summary of the discussion is prepared. Note that public comments are not always taken at work sessions; consult with your City Attorney on taking public comments during work sessions.

## **Notices to the Public**

Alaska's Open Meetings Act (AS 44.62.310) requires reasonable public notice for all meetings of a governing body and all meetings of municipal boards, commissions, committees, and subcommittees. The municipal clerk is responsible for ensuring proper meeting notice is met. (AS 29.20.380(3)).

### **Time Requirements**

Time requirements for notices for regular meetings are set locally; except that an ordinance must be published in summary at least 5 days before a public hearing per state law (AS 29.25.020)(b)(3). Many municipalities therefore use 5 days as the length of time between posting a notice and having a meeting.

State law provides that posting a notice in three public places for 5 days meets the definition of “published.”

Refer to your charter and/or code for any specific notice requirements. Some municipalities require different publication timelines for different actions such as adoption of the budget, resolutions effecting public policy, or rezones.

Notice requirements for special or emergency meetings are outlined in state statute (AS 29.20.160(b) and may also be in your code and/or charter.

### **Publication and Posting**

The Clerk is required to publish and/or post all meeting notices. Per state law, the notice must be posted at the principal office of the public entity or, if there is no principal office, at a place designated by the governmental body. The governmental body shall provide notice in a consistent fashion for all its meetings. Publish is defined as appearing at least once in a newspaper of general circulation or if there is no newspaper, by posting in three public places for at least 5 days. (AS 29.71.800(18).

Many municipalities also post their agendas and/or packets on the municipality’s website. Best practices recommend posting notices consistently in the same physical locations so the public can rely upon certain locations to receive this important information. Common public places to post notices include the post office, municipal building, bank, grocery store, restaurant, or other building frequented by the public. Some municipalities have meeting schedules set by code or ordinance or resolution, to clarify the upcoming year’s Regular Meeting dates.

A sample Affidavit of Posting is included in the Appendices.

### **Content**

The notice must include the date, time, and place of the meeting and if the meeting is by teleconference, the location of any teleconferencing facilities that will be used. It is standard practice to also include the meeting’s subject matter and the date of publication or posting.

A sample Notice is included in the Appendices.

## **Agendas**

An agenda is a framework for conducting meetings. The agenda outlines topics or items of business to be introduced, discussed, and acted on at the meeting.

### **Format**

Each municipality selects the format best suited to its needs and may vary between governing and advisory-only bodies. A sample regular meeting agenda is included in the Appendices.

### **Preparation**

In some municipalities, the clerk prepares the agenda; in others, the mayor, the presiding officer, members of the administration, or a combination of these people prepares it and then submits it to the clerk for finalization and distribution. In most municipalities, the clerk is responsible for agenda packets.

Start preparing the agenda for the next regularly scheduled meeting right after the last meeting. Many agenda items are carry-over and follow-up from the last meeting. Check the “tickler” system for items that should be included on the agenda (see Chapter 7).

### **Deadlines**

In many municipalities, the deadline for submitting items for the agenda or agenda packets is four or five days before the meeting. The deadline is set locally. If the agenda is posted as official notice of the meeting, make sure all posting requirements are met.

### **Consent Agenda**

Check local ordinances pertaining to consent agenda items. To make the most efficient use of meeting time, items listed in a “consent agenda” are considered routine and non-controversial by the governing body and are approved in one motion. If a separate discussion is desired on an item, a governing body member may request that item be removed from the Consent Agenda and placed on the Regular Agenda under New Business.

## **Agenda Packets**

### **Assemble, Duplicate, Distribute**

The clerk should attach correspondence, reports, documents, and other information to the agenda as background and support material for the items on the agenda. The clerk may number agenda items and put corresponding numbers on the back-up materials.

It is recommended to include in the packet a calendar of all meetings scheduled for the month.

Some municipalities include suggested wording for motions on agenda items to make it easier for the assembly or council members to act on the issues.

The clerk’s office copies agenda packet materials for governing body members, staff, and the media. In addition, copies are often made for the use of citizens attending meetings.

Municipalities may distribute hard copy packets by hand/pick-up, by mail, via e-mail, or posted online and the link emailed out. If a certain agenda item has bulky materials to be copied, make a few and provide notice (or a note on the agenda) where they can be reviewed or borrowed.

### **Public Inspection**

Most municipalities have a copy of the agenda packet for public inspection at the clerk’s office, the municipality’s website, the library, or other public place before the meeting or at the meeting place during the meeting. Best practices recommend posting agenda packets consistently in the same physical locations so the public can rely upon certain locations to receive this important information. State law requires general law municipalities to have copies of ordinances available for the public unless they are read in full during the meeting. Most home rule municipalities have a similar requirement. AS 29.25.020

## **Meeting Room Preparation**

The clerk’s responsibilities for meeting room preparation are different in each municipality. Some examples include:

- ❖ Making available public hearing materials and new material that came in after packets were distributed.
- ❖ Setting out extra copies of ordinances, resolutions, and agendas for the public.
- ❖ Providing sign-up sheets.



- ❖ Setting up the audio and recording system, and streaming/video technology if applicable.
- ❖ Preparing the meeting room by placing out name plates, gavel, and setting up tables and chairs.
- ❖ If provided, setting up coffee/tea services and making sure snacks and/or meals are available.
- ❖ Ensuring pertinent materials are at the ready such as code books, Robert's Rules of Order, minutes of previous meetings, maps, and calendars.
- ❖ Unlocking the door before and locking up after.
- ❖ Cleaning up after the meeting.

The clerk may find it helpful to make and use a checklist of what is required in the local municipality.

## Parliamentary Procedures

Parliamentary procedures are rules adopted by the governing body for conducting meetings. The benefits of parliamentary procedures are clear:

- ❖ Expedite business
- ❖ Maintain order
- ❖ Ensure justice
- ❖ Provide equal treatment for all

### Basic Rules of Order

The most common set of rules is Robert's Rules of Order. The state legislature and some municipalities use Mason's Rules. Others use a modified version, with changes made locally by ordinance, resolution or charter.

A sample Basics of Robert's Rules of Order Booklet can be found in the Appendices.

### Quorum

The quorum is a majority of the total membership of the governing body; for example, four of six council members or five of nine assembly members. Unless there's a quorum present, the only action that can be taken is to recess or to adjourn. AS 29.20.160(c) and AS 44.62.310(h)

### Parliamentarian

An expert in parliamentary procedure often is appointed parliamentarian to rule on questions about proper procedures. According to state law, the clerk shall act as the parliamentary advisor to the governing body. AS 29.20.380(a)(10)

There are various distance education courses and reference materials offered by the National Association of Parliamentarians (<http://www.parliamentarians.org>) and the American Institute of Parliamentarians (<https://aipparl.org>).

## Minutes – Journal of Proceedings

### Purpose

Minutes are the official record of a meeting. They include a history of governing body actions and public comments. State law requires each governing body to maintain a journal of its official proceedings. A

journal, which must be open to the public, is a collection of minutes arranged in an organized way, usually chronologically. AS 29.20.160(e)

### **Contents**

The clerk should include the following information in the minutes:

- ❖ The kind of meeting – regular or special
- ❖ The name of the governing body
- ❖ The date, location, and time of meeting
- ❖ The presiding officer, roll call of governing body members, and often a list of administration members who were present
- ❖ Whether the minutes of the previous meeting were approved
- ❖ If there were recesses or executive sessions during the meeting, the start time of these actions and the time the meeting reconvened
- ❖ Public hearing
- ❖ All motions and points of order and the votes taken on them. State law requires that the “final vote of each member on each ordinance, resolution, or substantive motion be recorded YES or NO, except that if the vote is unanimous it may be recorded UNANIMOUS.” AS 29.20.160(d)

It is not legal to just say that the motion passed or that it passed, four to two. How each member of the governing body voted must be recorded in the minutes, unless the vote is unanimous at the time of adjournment.

### **Preparation and Approval**

Minutes usually follow in chronological order the items of business listed on the meeting’s agenda. The minutes should identify each item of business and what the governing body did with it: that is, what motion or motions were made and how each member voted on those motions.

The final draft of the minutes is given to the governing body at the next regular meeting for approval, with or without corrections.

### **Types of Minutes**

“Verbatim minutes” are a word-for-word record of everything said at a meeting. Verbatim minutes are used only in very special cases, like a court proceeding, and not for general meetings. When a member of a governing body makes a statement “for the record,” it should be recorded verbatim as closely as possible.

“Summary minutes” are usually used for municipal meetings. They summarize discussions and record motions and the votes on motions. It is good to summarize points of any lengthy discussion or actions to help explain the governing body’s thoughts.

“Action minutes” record only motions and votes on motions.

“Safe storage minutes” should be printed on acid-free or neutral paper and stored in permanent binders in a safe place, such as a vault, safe deposit box, or fireproof safe.

If the clerk saves minutes electronically, a back-up copy is recommended as with any electronic record. Check local laws pertaining to retention of minutes recordings. Keep paper copies of minutes in addition

to any electronic file. Some municipalities microfilm their minutes and store them at a museum or a records management center. Disposal of audio tapes, etc., should also be addressed in the municipal record retention schedule.

## **Boards, Commissions, & Committees**

Many clerks work closely with boards, commissions, and committees of their municipalities, also known as advisory bodies. Often the duties are similar to those of working with the governing body.

### **Membership**

Most clerks keep track of appointments to boards, commissions, and committees, and advertise vacancies and maintain lists of responses. A sample Advisory Body Application is included in the Appendices.

### **Meeting Notice**

State law requires that all meetings of all municipal bodies (assemblies, councils, committees, boards and commissions) be open to the public and that there be reasonable public notice; even informal meetings are covered by the law. It is usually the clerk's responsibility to notify members of a meeting and to publish or post public notice. Meetings must be held in a place open to the public. AS 44.62.310-312

### **Agenda and Agenda Packets**

Every municipality will have a different process. In most cases, the advisory body's assigned staff person works with the chair to set the agenda and prepares all of the packet materials. The clerk will assist with this process and then be responsible for the final preparation and distribution of the agenda and agenda packet, similar to the governing body's process. In some cases the clerk acts as the staff person in addition to assembly/distribution responsibilities.

### **Attend and Take Minutes**

In some municipalities it is the responsibility of the clerk's office to attend and take minutes for advisory bodies. For all municipalities, the approved minutes and recordings of meetings are stored by the clerk.

## CHAPTER 3

# ORDINANCES & RESOLUTIONS

### Introduction

Ordinances and resolutions are the two main types of legislation that a governing body will use to take action.

#### What's the Difference?

**Ordinances are laws and resolutions are not** – Ordinances are adopted by the governing body and enforced within the municipality by local officials. They serve as the blueprint for a city or borough's activities and regulate behavior of people, such as traffic laws, and define how the municipality operates, such as dates for assembly/council meetings. In addition, ordinances may impose penalties for violating the law. To be valid, the ordinance cannot conflict with state or federal law and the governing body must properly enact the ordinance. An ordinance applies only to the community in which it is adopted.

Charters of home rule municipalities usually include requirements that certain actions be taken by ordinance.

**Resolutions are a statement of policy, belief, or appreciation passed by a legislative body** – Resolutions are not enforced and no penalties can be imposed for not complying with a resolution. Resolutions are typically used to authorize participation in grant programs, endorse bills in the state legislature, or to commend an outstanding citizen. Resolutions are not codified; however, they are permanent records. Resolutions are written much in the same way as ordinances; while ordinances must be introduced and have a public hearing before final passage, a resolution can be moved and voted on at the same meeting.

State law requires all general law and home rule municipalities to maintain a permanent file of resolutions that have been adopted. Some municipalities also publish or post notice of adopted resolutions. AS 29.25.060.

### When an Ordinance is Required

Title 29 of the Alaska Statutes requires that municipalities take certain actions only by ordinance. State law lists ordinance procedures, including provisions for introduction, notice, availability, public hearing, and adoption. AS 29.25.020(b)

In some cases Title 29 establishes rules or procedures that a municipality must follow, unless it enacts an ordinance providing for different rules or procedures. In other words, Home rule municipalities may adopt their own procedures.

State law gives a municipality a lot of discretion to decide the content of ordinances. State law will, however, sometimes place a limit on that authority or discretion or require that an ordinance contain specific provisions before the authority or discretion can be exercised.

There are also situations where state law requires that an ordinance passed by a governing body be submitted to the voters of the municipality for ratification. These situations are rare, but important because the ordinance is not enforceable unless it has been approved by a majority of the voters in the municipality.

There are some rare cases when state statute prohibits a municipality from passing ordinances regarding certain subjects.

## Classifications of Ordinances

There are two classifications of ordinances: code and non-code. When introduced, the ordinance should state whether it is a code ordinance or non-code ordinance. Sample ordinances are included in the Appendices.

### Code Ordinances

A code ordinance is any ordinance that is intended to be permanent. Code ordinances define the local government and how it will operate or regulate behavior or activity of people in the community. They are called code ordinances because they are required to be “codified” (assigned a permanent number and entered into an indexed book called a “code of ordinances”). The task of codifying ordinances is generally the responsibility of the municipal clerk. The *Local Government Handbook* has a step-by-step description of the codification process and can be obtained from the Alaska State Department of Commerce, Community, and Economic Development.

### Non-Code Ordinances

A non-code ordinance is an ordinance that authorizes a specific action or that is intended to be temporary. It is not incorporated into the code (book) of ordinances.

A common example of a non-code ordinance is the ordinance adopted each year to authorize the annual budget. State law requires budgets to be authorized by ordinance (AS 29.25.010), however, this requirement may not apply to Home Rule municipalities. The budget ordinance is not considered a permanent ordinance that would be included in the code because the authority to accept or spend money established in the ordinance expires at the end of the fiscal year. A second example of a non-code ordinance is one that authorizes sale of public land. The sale of a parcel of land is a one-time transaction that is required to be authorized by ordinance. The Department of Commerce, Community, and Economic Development maintains a Local Government Resource Desk online which includes FAQ's and examples of ordinances.

### Emergency Ordinances

An emergency ordinance is a form of non-code ordinance. State laws allow municipalities to approve emergency ordinances and bypass the normal procedures for enacting an ordinance when there is a public emergency that requires immediate action. Emergency ordinances cannot last longer than 60 days and must include a statement of facts explaining (or describing) why an emergency exists. The emergency must be serious enough to justify immediate action. An emergency ordinance may not be used to levy taxes, to renew grants, to extend a franchise, or to regulate public utility rates.

## How to Write an Ordinance

### Formatting, Grammar, and Word Usage

Below are some general guidelines for formatting legislation. No attempt is made in this manual to set out comprehensive lists of all the words that ought or ought not to be used in writing legislation. The *Fundamentals of Legal Drafting* is an excellent resource for that type of information. The *State of Alaska*

*Manual of Legislative Drafting* is also a good source of information to consult when writing legislation. A clerk should check their local municipality's policies, code and style guides for formatting and writing legislation, as they are likely different than what is outlined below.

- ❖ **Serial Number** – This is simply a number that is given to the ordinance for the purpose of identification. In other words, a serial number allows an ordinance to be referred to or identified by number. Note ordinances are generally numbered by calendar year, not fiscal year.
- ❖ **Title of Legislation** – The title should be simple yet descriptive, including references to penalties if imposed by ordinance. Refrain from using abbreviations. Ordinances should specify which sections of code are affected by the ordinance. Most municipalities require that the title be in ALL CAPS.
- ❖ **Whereas Clauses** – Whereas clauses can be used to provide background information and intent on the legislation and can be used at the discretion of the originator of the document.
- ❖ **Enacting Clause** – This is also known as an enabling clause. It is a point of law that simply sets the ordinance into action or motion. It tells anyone who is reviewing the ordinance that the words that follow the enacting clause are to be enacted as law (if the ordinance is adopted, that is!) The enacting clause is usually written in ALL CAPS.
- ❖ **Provisions** – This refers to the breaking down of subject matter found in the body of the ordinance into units. Units are similar to paragraphs but are more similar to the sections and subsections found in Title 29. Sections are used in ordinances so that the ordinances can be read more easily and so that a particular law within the ordinance can be located more rapidly. Sections are organized by number. Often, sections are given a short title.
- ❖ **Gender Neutral Language** – Gender-neutral language should be used if possible by referring to the action, person or title at issue. The use of he/she is generally not acceptable.
- ❖ **Capitalization** – Do not capitalize words such as: state, borough, assembly, statutes, constitution; divisions or sections of departments; position titles such as mayor, manager, or clerk; substitutes for official titles such as board, commission, committee, or supreme court; or terms such as title, part, chapter, or section.
- ❖ **Legislative History** – This refers to the reserving of space on the ordinance for the date that the ordinance was introduced, the date that the ordinance was read in full to the public (NOTE: an ordinance does not have to be read in full if copies are available to all persons present at the meeting (AS 29.25.020(b)(4)), and the date that the ordinance was given a public hearing. By doing this, the key dates concerning adoption of the ordinance (or failure) are permanently recorded on the ordinance for legislative history purposes.
- ❖ **Date of Passage** – This is the date that the ordinance (if adopted) was passed. If your municipal code provides that the ordinance becomes effective upon adoption, then the date of passage is the date the ordinance becomes law.
- ❖ **Signatures** – Each ordinance should have space reserved for the signatures of both the mayor and the municipal clerk. The mayor signs all official documents including ordinances. The clerk's signature "attests" or witnesses that the mayor (and not somebody else) has signed the ordinance. In some municipalities, it is the presiding officer and not the mayor that signs ordinances.
- ❖ **Percentages** – Express percentages in figures and spell out the word "percent."

- ❖ **Whole Numbers and Fractions** – Numbers from “one” through “nine” are written in words only; numbers “10 and over” are written in figures only. The exception would be when a phrase contains a number over 10 as well as a number from one through nine; in this case use figures only.  
Use words for simple fractions, e.g. one-half, three-fourths. Use figures for complex fractions, e.g. 9/10, 23/100.
- ❖ **Money** – Use figures to express exact or approximate amounts of money, e.g. \$7, \$35.15, about \$1500. It is not necessary to add a decimal point or zeros to a whole dollar amount when it occurs in a sentence.
- ❖ **Discretionary versus Mandatory** – If a provision is discretionary the words “may not” should be used. If a provision is mandatory the words “shall not” should be used.
- ❖ **Time** – All hours that are on the hour are written as 5 a.m. or 7 p.m. not as 5:00 a.m. or 7:00 p.m. Hours that are not on the hour are written as 5:15 a.m. The times noon and midnight should be expressed as 12 noon or 12 midnight.

### Writing an Ordinance

The following steps serve as a general guide for writing an ordinance:

- 1) **Determine the purpose of the ordinance.** Usually, the need for an ordinance is in response to a specific need of the municipality. The clerk should carefully consider what the purpose of the ordinance is in order to develop an ordinance that adequately addresses the municipality’s needs.
- 2) **List all the points that need to be covered in the ordinance.** After the clerk has determined the purpose, think of all the aspects of the issue that will have to be covered to address the problem.
- 3) **Research the different points.** This may be research into the extent of the issue within the community. Other municipalities are a good source of information. See if they have dealt with a similar problem through an ordinance that may be adapted to the local situation. Always check Title 29 requirements, if any, on the subject.
- 4) **Write a first draft of the ordinance.** The draft should cover each of the points that have been determined to be included in the ordinance. Remember that an ordinance should address only one general subject area. Use simple language that everyone will understand. If technical terms are used, the ordinance may need a definitions section. Definition sections are generally placed in the first chapter or first section of a chapter. Refer to ordinances that have been previously adopted by the municipality for examples of form, etc.
- 5) **Review each sentence carefully.** Does it make sense? Are there typographical errors? Is the meaning clear and not subject to misinterpretation? If the ordinance refers to a penalty, have the penalty and its enforcement procedures been stated?
- 6) **Review the ordinance as a whole.** Does the draft address all the points necessary to deal with the issue? Does it follow the requirements of form established in the municipality’s “General Provisions Ordinance?” This is the ordinance that establishes the rules or guidelines for the adoption of the municipality’s ordinances. A “General Provisions Ordinance” is recommended for all local governments.
- 7) **Prepare the title.** The title of the ordinance should contain a brief summary of what the ordinance is addressing. The assigned number and the title may be used to provide the summary required for public notice.

- 8) **Have the municipal attorney review the final draft.** Not all communities can afford to have an attorney. However, it is generally beneficial to have an attorney review the final draft. In the absence of an attorney, the clerk may request review by the Department of Commerce, Community and Economic Development.

## Adopting Ordinances

The clerk's role in the ordinance process varies from municipality to municipality. The clerk is generally responsible, however, for giving notice of public hearings. Below is a step-by-step procedure for passage of an ordinance:

- 1) A draft ordinance is requested to be drawn up for presentation at a regular meeting.
- 2) If someone besides the clerk drafts the ordinance, they must notify the clerk that it is ready for introduction at the next meeting. If the title of an ordinance appears vague or misleading, ask the person who drafted it to provide a summary for the published notice.
- 3) The clerk assigns the proposed ordinance a reference number. This number allows for organized filing of all proposed ordinances that have been presented to the assembly/council.
- 4) The ordinance may be introduced to the assembly/council by a member or committee of the governing body, the mayor, or the manager. The proposed ordinances for introduction, or first reading, are identified in the agenda for introduction and generally the date for public hearing is also noted. If ordinances for introduction are approved by a separate motion for introduction, the motion should also include the date set for public hearing. If, however, the municipality approved introduction of ordinances under the consent agenda, which often includes other items, it is most important that the public hearing date be noted on the agenda. If an ordinance is substantially amended in first reading, it must be presented again as a first reading.
- 5) The clerk publishes or posts notice of the date of the public hearing. The notice must show the time, place of the meeting, and include a summary of the proposed ordinance. Generally, the title of the ordinance is sufficient to give the public proper notice of the proposed action. In general law municipalities, at least five day notice is required for a public hearing to consider an ordinance. There are cases, however, where five days' public notice was determined insufficient because of the enormity of the issue. Therefore, if the ordinance addresses a substantive issue, the clerk may wish to allow more than the five days to ensure sufficient public notice. The clerk must publish the notice in a local newspaper, local media, or post it in at least three public places. For proof of posting, put the date and locations of the posting on the bottom of the notice and put a copy in the files. Generally, extra copies of an ordinance are made available for the public and a file of back-up materials is maintained.

If a municipality publishes by posting the notice in public places, the five-day posting requirement is not met until the notice has been physically posted for five days. The issue of what constitutes reasonable or sufficient public notice may depend on the regulations adopted by your municipality. It is important to check your municipality's charter or code.

- 6) The clerk prepares copies of the ordinance for interested persons who request copies prior to the meeting and for members of the public who attend the public hearing.
- 7) When the public hearing section of the assembly/council meeting opens, the mayor or presiding officer reads the title (or full text of the ordinance) and opens the public hearing. Testimony should be limited to the specific ordinance being discussed. In most municipalities, after all persons wishing



to speak have testified, the public hearing is closed and the ordinance is returned to the assembly/council for action.

- 8) A formal vote is required for the final vote on all ordinances; unanimous consent is not advised. The general rule is that it takes a majority of the total authorized membership to adopt an ordinance. Note, however, that certain ordinances may require more than a majority and other ordinances may require ratification by the voters before the ordinance can take effect.
- 9) Official passage requires that the ordinance show its date of adoption, be signed by the mayor or presiding officer, and attested by the clerk. The clerk attests and seals the ordinance by signing the ordinance and affixing the municipal seal, if the municipality has a seal. By attesting the ordinance, the clerk is stating that the signed original is what was passed by the governing body and that the clerk witnessed its signing by an authorized official. After an ordinance is adopted, dated, signed, attested, and sealed, make copies available to the public. In some municipalities, the clerk publishes a notice when an ordinance has been adopted.
- 10) Home rule municipalities should follow the local ordinance.

### **Codes of Regulation**

Governing bodies may adopt by reference a published code of municipal regulations, such as the Uniform Building Code of a particular year. They must follow the same steps as in adopting a regular ordinance, except that it isn't necessary to distribute the code of regulations or read it in full.

However, the municipality must make at least five copies of the code of regulations available for inspection and have copies available for distribution at cost or less. Another difference in procedure is the notice period is at least fifteen days before the hearing instead of five days. AS 29.25.040.

Home rule municipalities may establish their own guidelines for adopting codes of regulation.

### **Codification**

State law requires all home rule and general law municipal clerks to have ordinances codified after they are adopted. The code must be revised and reprinted at least every five years, unless it is kept current by regular supplements. Keep an updated copy that has all the additions, deletions, and amendments adopted by the governing body. AS 29.25.050.

### **State Revenue Sharing**

State law requires a municipality to codify its ordinances to qualify for the minimum municipal entitlement under the State Revenue Sharing Program (see Chapter 8 for other revenue sharing requirements). AS 29.60.290(a)(4)

### **How to Codify**

Some municipalities codify ordinances in-house, and some contract with a publishing company specializing in codes or a law firm to codify ordinances. Some may contract for the initial codification, but maintain the supplements between periodic reprinting. The Local Government Handbook has a step-by-step description of the codification process, and can be obtained from the State Department of Commerce Community, and Economic Development.

### **General Clean-up**

In some municipalities, the clerk is authorized to make changes of a general clean-up nature, correcting such things as typographical errors, grammatical errors, and references to other parts of the code of ordinances when code sections are renumbered. Before making any changes, however, the governing body should adopt an ordinance giving the clerk general authority to make clean-up corrections.

## **Resolutions**

Resolutions are official statements by the governing body of its opinion or position on issues that are important to the municipality, the state, or the nation. Resolutions are also used to approve and disapprove administrative actions and actions of subordinate bodies. While ordinances must be introduced and have a public hearing before final passage, resolutions may be introduced and passed at the same meeting with a simple majority vote. There is no state requirement for public hearings, but some municipalities' local laws require them.

The clerk is usually responsible for keeping the permanent file of resolutions and for giving whatever notice is required locally. In some municipalities, the clerk drafts resolutions. The clerk also attests adopted resolutions by signing below the official's signature and affixing the municipal seal, if the municipality has a seal.

An example of the resolution format is included in the Appendices.

## **How to Write Resolutions**

Formatting, grammar, and word usage for resolutions is very similar to ordinances, with the exception of a few sections. The passage of a resolution entails only a few steps:

- 1)** The wording is drawn up in the same fashion as an ordinance - to reflect the opinion or position of the governing body, and the title must be sufficient to notice the public.
- 2)** Typically the mayor or assembly/council requests that the clerk draw up a resolution and schedule it on the agenda. The resolution is then given a reference number in the same manner as an ordinance and is placed on the agenda. Some municipalities require sponsorship of a resolution. Be sure to check local regulations.
- 3)** If passed by a majority of the total membership, the resolution is approved and then becomes the official position or opinion of the governing body.

The same steps for signing and attesting are done for resolutions that are done for Ordinances. (See Adopting Ordinances Step #9 in this chapter). If this is a resolution stating the opinion or position of the governing body to another entity such as the Legislature or Congress, the clerk is usually tasked with ensuring signed copies are distributed to members of those groups.

## CHAPTER 4

### PUBLIC RECORDS

#### Alaska Records History



The clerk's position is one of the oldest in Alaskan municipal government. The earliest ordinances, generally Ordinances No. 1 or No. 2, establish the position of the municipal clerk and state that the responsibilities of the office are safe-keeping the corporate seal and all the papers and records of the city, attending council meetings, and keeping a record of the proceedings. Those early clerks were also the bookkeepers for their municipalities.

There are many interesting incidents relating to records and the conditions under which they exist. De Ingwersen, former clerk for the City and Borough of Sitka, said that the early Sitka records were transferred to the State Archives and Records Center in Juneau and are still there.

Jeanne Donald, former Valdez clerk, noted that Valdez Ordinances No. 1 through 49 were lost during the 1964 earthquake. They were returned to the City in 1982, but were so deteriorated that the book cannot be opened.

Records management is a logical and practical approach to the creation, maintenance, use and disposition of records, and therefore to the information those records contain. In most municipalities, records management is the responsibility of the city clerk who must also make those records available to the public. By law, the municipal clerk shall “manage municipal records and develop retention schedules and procedures for inventory, storage, and destruction of records as necessary.”

The information contained in public records is a valuable resource to the municipality and its citizens, but to be effective and efficient, a comprehensive records management program is needed.

#### Record Definitions

**A record** is any media that captures, preserves or disseminates information; or, any documents that are created or received during the course of an organization's official business and preserved as evidence of the organization's function, policies, decisions, procedures, operations, or other activities. Refer to AS 40.21.150 for state definition.

The format (paper or electronic) does not determine whether something is a record – rather, the information to be retained is the determining factor. Records may be contained on a variety of media, including, but not limited to: paper, microfilm, analog cassette/video tapes, maps, drawings, photographs, magnetic tapes/disks, digitized video files, social media, webpages, e-mail and optical disks.

**Electronic records** should be treated like any other record. When setting up a records program, include electronic records in the process; it is easier to do from the start rather than trying to include them later. Since electronic records are prolific and lend themselves to redundancy within an organization, compliance with a good retention schedule will eliminate much duplication. A software program for filing, storing, and managing electronic records is very helpful.

**Historical records** are those that have historical, legal, or social value to an organization or community for an indefinite period of time. Examples include minutes, ordinances, and resolutions of the governing body and its boards and commissions; records on the development of the municipality and its departments, programs, and policies; random samples of normal/routine records from

different times; and photographs and maps. Historical records help to convey a society's culture from one generation to another and demonstrate how laws, processes or policies have been developed in the past. One of the best ways to catalog historical records is to create records inventory worksheets noting pertinent information about each record and collection.

**Inactive records** are those that are used only a few times a year or are no longer needed to conduct business. In some cases, inactive records are stored at off-site facilities. Reading files (correspondence from the municipality arranged according to date) from previous years are one type of inactive record.

**Transitory records** are non-permanent in nature and have short-term value. Typically, these types of records are not regularly filed under a standard classification system and are recorded only for the time required for completion of actions or ongoing records associated with them. Examples may include notices of absence from the municipality, travel arrangements and staff meeting memos.

**Vital records** are those that are essential to the operation, mission and survival of an organization; are necessary to recreate the organization's legal and financial position; and are needed to preserve an organization's claims and rights as well as the claims and rights of its stakeholders. Department heads should each identify records that are necessary for the operation of the municipal government in the event of a major disaster. Some examples of vital records may include capital and property records, contracts, accounts receivable, and payroll records. Other examples might include original deeds, easements, grants, and cemetery burial records, which may not be necessary for continued functioning in a disaster but are important enough to be given special treatment for storage and retrieval purposes.

**Non-records** are materials that may be disposed of as soon as they have served their purpose, such as catalogs, copies of records, work drafts, telephone message slips, and letters of transmittal if they do not add any information to the record they are tied to.

## Developing a Records Management Program

### **Step 1: Adopt a Records Management Ordinance**

Before starting a records management program, the governing body should adopt an ordinance designating the clerk as the municipality's records manager with the authority to develop policies and procedures for the storage, retention, and destruction of municipal records.

A sample Records Management ordinance code is in the Appendices.

### **Step 2: Inventory and Appraise Records**

If you are starting from scratch, it may be best to meet with the chief administrator and department heads to explain the records management process. In smaller municipalities the inventory may be done by the clerk's office. In larger organizations it may work best to share the workload of the initial inventory with department heads and administrative staff. If others are involved in the inventory it is important to thoroughly explain the guidelines and process and monitor their progress. Records management worksheets should be used to document the date, range, location, volume and status of the records.

### **Step 3: Establish a Retention Schedule**

A retention schedule is a system that establishes the length of time different types of municipal records should be kept. Retention schedules can also be used to document the storage location (i.e. office, warehouse), the format type (i.e. paper, microfilm, CD) and other important metadata of the record.

Maintaining this type of data for each record is very important for records management and retrieval. Data can be tracked through records management software or with spreadsheets.

Using your adopted legal requirements and recommendations on the worksheets, develop a draft retention schedule. The Alaska State Archives has prepared a manual, General Administrative Retention Schedule, which may be helpful in developing a draft schedule. A copy can be obtained from their website at <http://www.archives.state.ak.us>.

The chief administrator, department heads, and city attorney should review the draft schedule before it is presented to the council or assembly for adoption.

#### **Step 4: Transfer Inactive Records**

If storage space in the office is limited, inactive records should be transferred to another location that has been designated as a records center.

#### **Step 5: Index Records in Office and Storage**

If there is an existing records index, update it with the new storage location and retention schedule; if there is no index, prepare one. There are many excellent electronic database programs that can aid in records retrieval. It is also very important to be able to research inactive and destroyed records.

#### **Step 6: Prepare a Records Management Manual**

Prepare a records management procedure manual that includes objectives for the records management program; the adopted records retention schedule; an ordinance and/or resolution from the governing body; and procedures for setting up files, transferring records to storage, and destroying records.

The following sample objectives are from the Fairbanks North Star Borough Records Management Manual:

- ❖ Provide an approved records retention schedule
- ❖ Provide safe and efficient storage and retrieval of inactive, historical, and vital records
- ❖ Provide an efficient, effective records system through state-of-the-art methods and technologies
- ❖ Provide uniform, written procedures for file maintenance, transfer of inactive records, disposition of records, and microfilming services
- ❖ Provide long-range records management planning

## **Records Destruction**

Follow procedures established in the manual and keep a permanent list of records that have been destroyed. Many municipalities require confidential records to be destroyed by shredding. The clerk may wish to establish cutoff dates for destruction (i.e. end of the calendar year or fiscal year). Before records are destroyed, the records manager needs to authorize the action by signature.

## **Safe Record Storage**

Examples of safe storage include fireproof file cabinets and/or vaults, microfilm, microfiche, and acid-free or neutral paper. All records should be stored off the ground/floor and should not be placed directly under pipes or a sprinkler system. If records are stored electronically, adequate back-up measures are critical.

### **Record Storage Facility**

Often records are stored in an area outside the normal business office. While it is not required that the area be climate controlled, it should afford protection from the elements and be comfortable to work in. It is not recommended to store historically-significant documents or collections in an off-site warehouse as the area may lack climate control and may be vulnerable to dust and pests. If a warehouse is used for a records center and includes storage of confidential records, additional security of this material may be necessary.

### **Create a Disaster Recovery Plan**

A disaster recovery plan is a detailed plan of what would be done to recover records and equipment in the event of a disaster. This plan should be developed in collaboration with other departments of the local government that comprise the Disaster Recovery Team. There are many books and journals available through the Association of Records Managers & Administrators (ARMA) and through the Federal Emergency Management Agency (FEMA) that contain guidance on creating a disaster recovery plan.

### **Develop a Business Continuity Plan**

A business continuity plan is a detailed strategy of what would be done to resume the daily business of a local government as quickly as possible after a disaster. Identification of vital records is of critical importance in the creation of this plan. While getting the plan on paper is important, practicing the plan is paramount. ARMA International and FEMA are great resources to use when drafting a business continuity plan.

### **Analyze Records Management Problems**

Since local government is constantly changing, it is important to review procedures annually and revise them, if necessary. It may be helpful to join a records/information management organization. These agencies will help in sharing knowledge and information of the constantly-changing aspects of records management.

ARMA International is an association for information management professionals and is a great resource for useful management tools. The Association for Information and Image Management (AIIM) is a global community that provides the education, research and certification that information professionals need to manage and share information in a world with ever-changing technology. FEMA is an agency of the federal government that prepares contingency plans for use in natural disasters and emergencies.

## **Public Use of Records**

State law requires that all public records, including municipal records, be open to public inspection unless specifically exempted. AS 40.25.110

Some statutory exemptions are records of vital statistics and adoption proceedings, records pertaining to juveniles, and medical and public health records. Other exceptions include some police records, personnel records, privileged information records, and private business records.

The clerk may restrict public inspection to regular office hours and may charge established fees for copies. The clerk may also charge for research time if the production of records for one requester exceeds five person-hours in a calendar month. Many municipalities use a records request form for non-routine requests and have established a system for fulfilling those requests.

A sample Public Records Request form is included in the Appendices.

Each municipality should adopt its own public records ordinance that identifies which records are confidential, the conditions under which search time may be assessed or waived, and a fee schedule for copies. With an ordinance in place the clerk's office will know how to respond when a citizen submits a request for information.

A sample Access to Public Records ordinance code is in the Appendices.

## **Municipal Seal**

The seal is accompanied by the city clerk's signature to attest that the document is official. The clerk is the keeper of the municipal seal and affixes the seal by stamping an impression on official papers or documents such as ordinances, resolutions, proclamations and contracts, as part of the process of attesting them. AS 29.20.380(a)(2)

## CHAPTER 5 ELECTIONS

### Introductions

In general law municipalities and in most home rule municipalities, the clerk is designated as the election supervisor, with responsibility for conducting local elections. The governing body adopts the election ordinance; the clerk implements its provisions. In addition to the local election ordinance, state law has requirements for conducting elections (Title 29 - Municipal Code and Title 15 - Election Code). The charter in a home rule municipality may have some requirements.

The Federal Voting Rights Act also applies to local elections.

For help in conducting elections, contact a clerk from a similar size and class of municipality, the Division of Elections, the Department of Commerce, Community and Economic Development (DCCED), and the Alaska Public Offices Commission (APOC). DCCED offers elections training. The names and contact information for members of the Alaska Association of Municipal Clerks can be obtained from the Chair of the Membership Committee. The names of clerks from Alaska's municipalities are listed in the Municipal Officials Directory, published annually by the Alaska Municipal League (AML) and DCCED; state offices are listed in the Alaska Directory of State Officials, published by the Legislative Affairs Agency.

Although the clerk can find descriptions of what needs to be done and "how to" suggestions in this Handbook, all federal, state, and local requirements should be reviewed to ensure elections are conducted properly. Elections are often emotionally charged, and the clerk is often right in the middle. It is important to remain neutral at all times and refrain from expressing personal opinions.

Sample election forms and documents can be found in the Appendices.

### Calendar

An election calendar lists all election duties and responsibilities in chronological order. The calendar is a checklist and timetable of what steps must be taken and when they must be done.

As soon as one election is over, start preparing a calendar for the next election. When drafting a new calendar or revising an existing one it is important to study federal, state, and local election laws.

### Procedures Manual

Some clerks develop an election procedure manual, which is a more detailed document than the calendar. Typically, the manual tells how to accomplish the steps listed in the calendar and includes examples of notices, letters, and other materials used for each election.

Here is one method used to write this manual:

- ❖ Compile every list, note, job, letter, creative thought, cost, legal advertisement, and election judge's comment in a folder.
- ❖ Organize this material in a logical way, such as chronological, step-by-step, or topical.
- ❖ Assemble the material in a loose-leaf notebook or clasp-on-side, hardcover file and label it with colored index tabs.
- ❖ Update it after every election.



## Division of Elections Offices

### **Central Office**

[www.elections.alaska.gov](http://www.elections.alaska.gov)

Phone: (907) 465-4611  
 Fax: (907) 476-3203  
 Toll Free: (866) 952-8683  
 TTY: (907) 465-3020

P.O. Box 110017  
 Court Plaza Bldg.  
 240 Main Street, 4<sup>th</sup> Floor  
 Juneau, AK 99811-0017

### **Region I Election Office**

House Districts 29-36  
 Southeast, Prince William Sound,  
 Kodiak & Kenai Peninsula

Phone: (907) 465-3021  
 Fax: (907) 465-2289  
 Toll Free: (866) 948-8683  
 Email: [electionsr1@alaska.gov](mailto:electionsr1@alaska.gov)

P.O. Box 110018  
 Mendenhall Mall Annex, Ste. 3  
 Juneau, AK 99811-0018

### **Region II Election Office**

House Districts 13-28  
 Municipality of Anchorage

Phone: (907) 522-8683  
 Fax: (907) 522-2341  
 Toll Free: (866) 958-8683  
 Email: [electionsr2a@alaska.gov](mailto:electionsr2a@alaska.gov)

2525 Gambell Street, Ste. 100  
 Anchorage, AK 99503-2838

### **Region III Election Office**

House Districts 1-6 & 9, Part of 37, &  
 39-40  
 Fairbanks, Interior, Eastern  
 Matanuska-Susitna Borough, Valdez

Phone: (907) 451-2835  
 Fax: (907) 451-2832  
 Toll Free: (866) 959-8683  
 Email: [electionsr3@alaska.gov](mailto:electionsr3@alaska.gov)

675 7<sup>th</sup> Avenue, Ste. H3  
 Fairbanks, AK 99701-4542

### **Region IV Election Office**

House Districts 1-6 & 9, Part of 37, &  
 39-40  
 Northern, Western, Southwest,  
 Aleutian Chain

Phone: (907) 443-5285  
 Fax: (907) 443-2973  
 Toll Free: (866) 953-8683  
 Email: [electionsr4@alaska.gov](mailto:electionsr4@alaska.gov)

P.O. Box 577  
 Sitnasauk Bldg., 214 Front  
 Street, Ste. 130  
 Nome, AK 99762-1577

### **Region V Election Office**

House Districts 7-8 & 10-12  
 Matanuska-Susitna Borough

Phone: (907) 373-8952  
 Fax: (907) 373-8953  
 Email: [electionsr2m@alaska.gov](mailto:electionsr2m@alaska.gov)

North Fork Professional Bldg.  
 1700 E. Bogard Road, Ste. B102  
 Wasilla, AK 99654-6565

### **Absentee & Petition Office**

Phone: (907) 270-2700  
 Fax: (907) 677-9943  
 Toll Free: (877) 375-6508

2525 Gambell Street, Ste. 105  
 Anchorage, AK 99503-2838

## Voter Qualifications

### **Legal Qualifications**

State law lists the qualifications for voting in Alaska. See AS 15.05.010 – 15.07.200 and AS 29.26.050. In order to vote in any municipal election, a person must be:

- ❖ At least eighteen years old;
- ❖ A citizen of the United States;
- ❖ A resident of the municipality for thirty days immediately before the election;

- ❖ Registered to vote in the State of Alaska at least thirty days before the election at a residence address within the municipality (people may register to vote the day they arrive in the state);
- ❖ Additionally, Article V, Section 2 of the Alaska State Constitution states: No person may vote who has been convicted of a felony involving moral turpitude unless his civil rights have been restored. No person may vote who has been judicially determined to be of unsound mind unless the disability has been removed.

### **Municipal Qualifications**

By ordinance a municipality may adopt an additional municipal qualification requiring that a voter be registered to vote at a residence in a local election district or service area for at least thirty days in order to vote for a candidate or on a ballot measure relating to a specific election district or service area. AS 29.26.050(b).

## **Voter Registration**

### **Definition**

Voter registration is the process by which the records of qualified individuals are maintained on a master list of voters eligible to vote in state, municipal, regional, and local elections. A registration application is a form completed by qualified Alaskan residents that enables them to vote in any state or municipal election.

### **Statutory Authority**

Any person who wants to register to vote in Alaska must meet the qualifications listed in AS 15.05.010 - 15.07.200.

### **Purpose**

State statutes require a person to complete the registration form in order to be officially enrolled in the voting process. A person can be registered in only one state at a time.

### **Changes in Registration**

When a voter changes residence or mailing address, name, or party affiliation, the change is recorded on the voter's file.

- ❖ **Address Change** – Because the voting district and precinct to which a voter is assigned is determined by the person's residence address, voters must keep their residence addresses updated. Mailing addresses should also be current because voting cards and polling place cards are sent to the mailing address. A mailing address change can be made by a telephone call to the regional supervisor's office or online at <https://voterregistration.alaska.gov>.
- ❖ **Name Change** – A voter whose name is changed by marriage or court order must notify a registrar of this change. A name change must be made in writing because a copy of the voter's new signature must be on file; a telephone call is not acceptable for registering a name change. A name change can be completed online at <https://voterregistration.alaska.gov>.
- ❖ **Party Change** – A voter who wishes to change party affiliation should do this in writing or online at <https://voterregistration.alaska.gov>, but according to the Region I Division of Elections Supervisor, a telephone call is acceptable for a party affiliation change.

## VREMS

Clerks can obtain access to the State of Alaska Voter Registration Database, known as VREMS, by contacting your Division of Elections Regional Supervisor's office.

## Registrars

A registrar is an official appointed by the Division of Elections to provide registration services to the public. It is customary for the municipal clerk and sometimes other employees in the clerk's office to serve as registrars.

### Duties of Registrars

Registrars are responsible for administering voter registration duties in accordance with state law. Registrars must be available to the public for registration purposes.

- ❖ Registrars review all data provided by the registrant for completeness and check identification of the registrant.
- ❖ Registrars must process registration forms in the manner prescribed by the Division of Elections.
- ❖ Registrars submit applications for registrations within five days of completion.
- ❖ Registrars may also serve as election board members on Election Day.

### State Responsibility

The Director of Elections is responsible for the registration of voters and maintenance of the statewide master rolls. Some municipal clerks provide training for the division.

### Municipal Responsibility

As a registrar appointed by the Division of Elections, the municipal clerk fulfills these duties:

- ❖ Trains office staff and other individuals who do not have easy access to the regional election office and makes sure that each trained registrar completes a "Registrar Agreement Form," which must be submitted to the regional supervisor;
- ❖ Tells the regional supervisor about any new registrars;
- ❖ Organizes registration drives prior to elections held in their municipal area, if necessary;
- ❖ Sends registration forms to the regional supervisor's office within five days after they are completed.

The Division of Elections has an instruction booklet for registrars. To get a copy, contact the regional supervisor's office. Voter lists are updated frequently and can be obtained from the Division of Elections.

## Notices

### Notice of Election

General law and home rule municipalities must give at least a 20 day notice of any election, except run-off elections. AS 29.26.030. Some home rule municipalities may require greater advance notice so be sure to read your local charter or code for your municipality's timeframes.

General law municipalities must have at least a five day notice for run-off elections. If required by charter or local ordinance, home rule municipalities may establish the notice period for run-off elections. AS 29.26.060(c)

The items listed below are usually included in an election notice:

- ❖ Type of election; that is, regular or special
- ❖ The date of the election and hours the polls will be open
- ❖ Polling places and description or map of the boundaries of each voting precinct. (Some municipalities publish or post a separate notice listing the location of polling places instead of including them in the general notice of election. If maps are published, indicating precinct boundaries by drawing lines on existing maps should be avoided. It is generally much clearer if the precinct is cut out from a map and placed against a white background for publication.)
- ❖ Voter qualifications
- ❖ Seats to be filled
- ❖ Issues to be voted on

### **How to Give Notice**

Election notices are usually published and/or posted in the same way as other types of notices. They are published in a newspaper of general local circulation or posted in public places in the municipality. How the notices are to be given is established locally by the governing body.

### **Notice of Candidacy**

The timing for publishing or posting and the contents of the notice of candidacy vary from municipality to municipality, but typically the notice includes:

- ❖ Seats to be filled
- ❖ Beginning and ending dates of filing
- ❖ Where to file
- ❖ Candidate qualifications
- ❖ Requirements for declaration of candidacy statements and/or nominating petitions
- ❖ Information about conflict of interest and campaign disclosure forms required by APOC

### **Notice of Bond Indebtedness**

Before an election on a general obligation bond issue in a general law municipality, a notice of the total bond indebtedness of the municipality, cost of debt service, and the municipality's total assessed value must be published. The notice must be published at least once a week for three consecutive weeks, with the first one at least 20 days before the election. AS 29.47.190.

Home rule municipalities may establish their own requirements for information to be required prior to a bond election.

### **Miscellaneous Notices**

Other notices include those regarding absentee ballots, disabled voters, voter registration deadlines, and certification. Some of those items may be included in the general election notice.

## Candidates

### Qualifications

A municipal voter is eligible to be a candidate for office in that municipality. The governing body may adopt an ordinance establishing durational residency requirements of up to three years and district residency. However, a Kenai court case, upheld by the State Supreme Court, limits the residency requirement to one year. AS 29.20.140

### Nominations

General law municipalities must adopt an ordinance outlining procedures for the nomination of candidates, by either a declaration of candidacy statement or a nominating petition, or both. According to state law, if the municipality uses nominating petitions, it may not require signatures of more than ten voters. Some municipalities require candidates to pay a filing fee. AS 29.26.020(a)

Home rule municipalities may establish their own requirements for nominations.

A declaration of candidacy form usually includes information about where and when to file, a space to fill in the office sought, a space for the candidate's name (as it should appear on the ballot), and spaces for the candidate's name, address, phone number, and signature.

A nominating petition form usually includes a space to fill in the office sought; the term of the office, information on the number of signatures required, who is eligible to sign, where to file, the deadline for filing, and a space for the candidate's name, address, phone number, and signature.

Some petition forms also have a statement for the candidate to sign in which he or she agrees to serve if elected. Some have statements that apply to the voters signing the petition stating that they have not signed more petitions than the number of seats that are open.

## Preparation of Election Materials

The clerk prepares all election materials, including the ballots, tally sheets, various informational and legal notices, and materials for the election boards, various other boards, and absentee voting officials. Within a few days after the 30-day deadline to register to vote, a clerk should request a complete voter list for their municipality. This should include all the precincts within the municipality. The Division of Elections provides the list of registered voters in the form of a sign-in precinct register to be used on Election Day at the polling place. If a sign-in precinct register has not been received by one and a half weeks before the election, call (don't write) immediately. Make sure there is a new, updated list for each election.

## Election Boards

### Judges

Each polling place in a general law municipality must have an election board of at least three judges, one of whom serves as chair of the board. The board is appointed by the governing body, but usually it is the responsibility of the clerk to find enough judges to fill the board and the governing body confirms the appointment. Judges must be registered voters of the state and residents of the precinct, unless not enough voters in that precinct are willing to serve. AS 29.26.010

Home rule municipalities may establish their own requirements for size and qualifications of election boards.

### **Election Clerks/Counters**

The municipality may appoint election clerks to assist during the election and counters to help tally ballots. Requirements for election clerks and counters are set locally, but usually they must at least be residents of the municipality and registered voters of the state. Often, the clerk is authorized to appoint election clerks and counters.

### **Judges' Training**

To minimize problems on Election Day, the clerk should carefully train judges in the election process, using training sessions with printed materials.

### **Election Workers' Compensation**

Most municipalities pay election workers at the same rate as the State. Contact DCCED or call a similar-sized municipality to compare compensation rates.

## **Preparation of Ballots**

### **Hand-Tallied Ballots**

If the municipality creates paper ballots, prepare a heading for the ballot that contains the name of the municipality, the type of election (regular or special), the type of ballot (official or sample), the date of the election, and a space in the upper right corner for numbering the ballots.

Gather material used to prepare the ballots, including nominating petitions or declarations of candidacy, and any ordinances or resolutions adopted by the governing body relating to bond issues, charter amendments, advisory votes, and other issues that have been placed on the ballot.

The ballots are organized by section, with general instructions noting that the ballot shall be marked with a an "x" mark, check mark, fill in the oval, or plus sign, that only the indicated number of candidates shall be voted for, and that write-in votes must be written in the space provided. Other instructions to the voters may also be included.

Each seat designated is then named (for example, Seat A or Seat #1) and information is given on the number of candidates to be voted on (for example, "Vote for No More Than One"). Each candidate's name is listed, with a small box or an oval on the left to mark the candidate's name, and a space is left at the end of the section for write-in candidates. The number of write-in spaces is the same as the number of seats to be filled. For example, if two seats are open, the ballot will have two write-in spaces.

After listing all the seats and the candidates who have filed for those seats, add any issues and space for marking "Yes" or "No" or "For" or "Against" for each issue. In preparing the ballots, be sure to follow any instructions in the election ordinance. Most municipalities require the use of white paper for official ballots and colored paper for sample ballots.

### **Rotation of Candidates' Names**

Candidates' names may be rotated on the official ballots if the local ordinance requires it. A clerk who is preparing ballots and making the copies in the office should not try to rotate the names. When the names are rotated, the candidate's name appearing on the top line is dropped to the bottom of the section with

each candidate's name having, as nearly as possible, an equal opportunity to appear at the top of the section. Many municipalities use ballots that are scanned electronically, and one issue to be aware of is that electronic programming does not accommodate a fold that crosses an oval. If a fold crosses an oval, then it will vote 20-30% of the time.

After the official ballots are prepared, keep them in a safe place and note the total number delivered to each election board chair and absentee voting official. This does not mean that the ballot number delivered to every voter must be recorded.

### **Computer Ballots**

Computer ballots are prepared in the same general manner as the paper ballots. Computer ballots must be prepared by a printer on special stock that is purchased for the ballots. The clerk works closely with the printer and the contractor to prepare the program for counting the ballots.

### **Ballot Printing**

In some municipalities, ballots are printed by an outside firm; in others, ballots are made using a copy machine. Check with other local clerks to get information about companies that print ballots.

The number of ballots to order is based on the number of voters registered in the municipality and the turnout expected. Keep in mind that there should be enough ballots for every voter who goes to the polls and who votes by absentee ballot. Some clerks order enough ballots for every registered voter, while others order fewer than that.

### **Ballot Numbering**

Each ballot should be numbered in the upper right corner. Paper ballots may be numbered by hand or with a numbering machine. Ballots printed by a commercial printer normally have a perforated numbered ballot stub.

### **Proofread**

Proofread the draft copy of the ballot very carefully before it is sent to the printer or before it is copied. Proof the ballots when the printer provides a ballot proof. Ask the printer to make any corrections and provide another proof. Because the ballot should be perfect, ask some other person to proof the ballots also. One good idea is to read the ballot backwards. Ballots can never be over-proofed!

### **Sample Ballots**

The heading of the ballot should indicate if it is an official ballot or a sample ballot. Except for that, the two ballots are the same. In general, sample ballots are printed on colored paper. Sample ballots should always be available because they can be used if there are not enough official ballots or if the official ballots are lost. If sample ballots are used, the election judge should fill out an affidavit of how many are used.

### **Distribute Ballots**

After the ballots have been printed or copied, review them to make sure they are as ordered. Prepare a ballot statement for each precinct indicating the total number of ballots given to each election board chair and the numbers of those ballots. In addition, keep track of the ballots retained for absentee voting. At the end of each day, check to see if the number of absentee voters matches the number of ballots used.

## Absentee Balloting

### Definition

Absentee balloting is the way voters may vote if they are absent from their voting precinct on Election Day or if they are physically unable to go to the polling place.

### Legal Authority

Each municipality must outline procedures in its local election ordinance for voting by absentee ballot.

Any person who is eligible to vote in person in a municipal election may vote by absentee ballot. There are no restrictions on who may vote absentee, either in person prior to the Election Day or by mail. A qualified voter with a disability who, because of that disability, is unable to go to a polling place to vote may vote a special needs ballot.

### Municipal Elections

Each municipality must decide what types of absentee voting are allowed for its municipal elections. In addition, the municipality must determine its absentee voting procedures. Many codes refer to State statutes. If the local code does this, make sure to review the statutes annually for changes.

To make sure that municipal absentee voting programs run smoothly, the governing body must adopt a comprehensive ordinance covering the rules on absentee voting. The ordinance should cover a variety of issues:

- ❖ Types of absentee voting allowed (e.g., by mail, in person, special needs voting, electronic, computer)
- ❖ Absentee voter qualifications
- ❖ Deadlines to apply for absentee ballots
- ❖ When absentee voting may take place
- ❖ Deadline for receipt of ballots, if by-mail absentee voting is allowed
- ❖ Procedure to review and count ballots

The clerk must:

- ❖ Provide notices and publicity to make sure voters know they can vote absentee and when they can do so
- ❖ Develop ballots, forms, and other related absentee voting materials used to document absentee voting activity and accountability
- ❖ Train staff to assist voters and process absentee ballots
- ❖ Furnish to the State a list of absentee voters who voted in regular municipal elections so that the voter's voter history can be recorded

In most municipalities, the clerk is responsible for these requirements.

### Eligibility of Ballots

Absentee voters must meet the 30-day registration and/or change of address requirements so their ballots can be eligible to be counted in both municipal and State-conducted elections.



### **Application for Absentee Ballot**

A voter may apply to the clerk for an absentee ballot in four ways:

- ❖ **By mail** – Prepare an application form that includes the name of the absentee voter, the voter's residence address, the election for which the ballot is requested, the address to which the absentee ballot is to be mailed, an oath indicating that the voter is not voting in any other manner, the date, and the voter's signature. The local ordinance may specify the time frame before the election during which the application may be accepted and a time by which the absentee ballot application must be postmarked for it to be honored.
- ❖ **In person** – The voter comes to the clerk's office, or other location, to apply for and vote the absentee ballot in person.
- ❖ **By electronic transmission** – Some municipalities allow absentee voting by electronic methods. When voters request a ballot sent to them electronically, they must sign a statement acknowledging that their ballot may lose its secrecy. If the municipality allows for voting electronically, carefully check the procedures for processing these ballots.
- ❖ **By special needs voting** – If a voter is unable to get to the polling place because of age, illness, or a disability, the voter can assign a special needs voting representative to bring the voting material to him or her and then return the voted ballot to the election official. When the clerk receives the written request, the clerk provides the envelopes and the ballot to the special needs voting representative (after verifying the identification of the special needs voting representative), who then takes the material to the voter. The voter votes the ballot and signs the affidavit envelope in the appropriate manner, and the envelope is then witnessed by the special needs voting representative. The special needs voting representative returns the voted ballot to the clerk or any polling place no later than 8:00 p.m. on Election Day.

Some clerks act as the personal representative and take their materials to the voter for this form of absentee voting.

### **Absentee Voting Materials**

Absentee voting material consists of:

- ❖ The ballot(s)
- ❖ An instruction letter to the voter on how to complete and return the voted ballot
- ❖ A plain inner envelope or secrecy sleeve in which the ballot is initially sealed
- ❖ An affidavit envelope in which the inner envelope containing the ballot is placed and the affidavit completed

The clerk's office should keep a register or a list of the names of all absentee voters.

### **Review of Absentee Ballots**

The affidavit envelope completed by the absentee voter is reviewed by the clerk or the Review Board (sometimes called the Canvass Board) to determine if the voter is registered to vote, if the voter's signature has been properly witnessed, if the voter signed the affidavit envelope, and if the ballot is postmarked or otherwise dated on or before election day. If the absentee ballot does not meet these qualifications, it is not counted. If the ballot is not counted, the voter must be notified of the reason for the refusal to count the ballot.

## Precinct Boundaries & Polling Places

### **Statutory Authority**

State law gives the State Director of Elections the exclusive power to establish or abolish precinct boundaries and polling place locations. AS 15.10.020.

### **State Responsibility**

The Division of Elections regional supervisors oversee precinct boundaries and polling places in their jurisdictions. When making a determination for the selection, modification, or abolishment of a precinct boundary or polling place, the supervisors often contact local clerks' offices for comments and suggestions.

### **Municipal Responsibility**

It is the responsibility of municipal officials to work closely with the Division of Elections regional supervisors to:

- ❖ See that precinct boundaries are aligned with municipal assembly districts or other municipal boundaries, such as streets or subdivisions, whenever practical
- ❖ See that precinct boundaries within the municipality are changed as areas are annexed and/or detached
- ❖ Coordinate with State officials to incorporate the same boundary lines for state and local governments

The Division of Elections works with the clerk to find polling places. Local clerks are key advisors in notifying the Division of Elections about current polling places and when changes are advisable. The same location is usually used for both state and municipal elections. Polling places should, if possible, be accessible for persons with disabilities.

### **Planned Changes**

Polling place location changes may become advisable or necessary when:

- ❖ The current facility has been damaged, destroyed, or is undergoing construction.
- ❖ The manager or owner of the facility has withdrawn permission to use the facility.
- ❖ There are problems with heat, lights, or water in the facility.
- ❖ Road construction or traffic routing would hinder accessibility to the polling place.
- ❖ The polling place is no longer central to the major population because of residential expansion and development.

### **Unplanned Changes**

Occasionally a polling place location change must be made at the last minute. With the concurrence of the election supervisor, the clerk may select a new polling place that will be used on an emergency basis for Election Day.

### **Equipment Storage and Maintenance**

Many municipalities used to borrow tabulation equipment from the Division of Elections but that ended in 2022; now, most boroughs and unified municipalities own their own election equipment.

### **Costs for Budget Considerations**

Polling place sites are usually donated. If not, the clerk and the owner or manager of the facility should negotiate the rental fee. Whoever conducts the election pays to advertise polling place locations.

Many municipalities store equipment in their own facilities. If this is not possible, the municipality may have to pay to store the voting equipment at another location.

## **Polls**

The clerk conducts municipal elections, including supervising the polls; appointing of election boards; arranging for all the supplies and materials; training the election officials; contracting for the delivery, set up, and removal of the ballot boxes, polling booths and other equipment; contracting for the programming of any computers used; and preparing to certify the election. During the election, the clerk is frequently asked by the election boards to assist in resolving election problems.

### **Hours Polls Are Open**

The hours polls are open are set in the election ordinance, but generally are from 7:00 a.m. to 8:00 p.m.

### **Poll Watchers**

Municipal elections may have poll watchers if allowed by ordinance. Under Title 15, the State Election Code, poll watchers for state elections are appointed by the political parties and must have signed letters or cards stating they are authorized poll watchers. Each poll watcher is given a place from which to watch the election process. Poll watchers are not entitled to handle any election material or ballots.

### **Spoiled Ballots**

If a voter spoils a ballot, the voter returns the spoiled ballot to the election official, who records that a ballot has been spoiled, destroys the spoiled ballot, and issues the voter a new ballot. The voter can get no more than three ballots. Spoiled ballots are handled differently in each municipality, and each local ordinance should be referred to for the correct procedure.

### **Questioned Ballots**

At the polls on Election Day, the names of some voters may not appear on the precinct register. Those voters are asked to vote a questioned ballot so the clerk, with the help of the canvass board, can determine later if they are eligible to vote with assistance from the Division of Elections. When a person votes a questioned ballot, they are given a regular ballot and a secrecy sleeve or plain white envelope to put the ballot in. The protected ballot is then put in an outer envelope. The outer envelope is clearly marked as containing a questioned ballot. The voter and the voting official both sign the envelope, which is put in the ballot box.

### **Special Needs Voting**

A voter can vote by special needs voting up to and including Election Day. For more information, see the section titled "Special Needs Voting" under Absentee Voting.

### **Electioneering**

Electioneering (or campaigning) includes but is not limited to: wearing campaign buttons in the polling place, discussing candidates or issues in the polling place, placing campaign signs or displaying bumper

stickers within 200 feet of the entrance to the polling place or within the polling place itself, or handing out stickers or telling voters about write-in candidates. These activities are prohibited within the polling place or within 200 feet of the entrance to the polling place and apply to all persons located in that area.

### **Exit Polling**

Exit polling is a survey conducted by the news media or official polling group on Election Day about issues or candidates appearing on the ballot. It is designed to predict the outcome of the election, and is allowed just outside the entrance of the polling place area. The 200 feet campaigning rule does not apply to exit polling. Exit pollsters may approach only voters who have already voted and wish to participate in the process.

## **Vote by Mail Jurisdictions**

### **Definition**

Some municipalities in Alaska have adopted a Vote by Mail election system. In this system, voters are automatically mailed their ballots several weeks before an election and are provided multiple ways to return their ballot (by mail, by secure drop box, or hand delivering to the clerk's office or a vote center).

### **Legal Authority**

Each municipality must outline procedures in its local election ordinance for a vote by mail system.

### **Alternatives in a Vote by Mail Election System**

Each municipality must decide what types of alternative voting are allowed for its by-mail election system.

To make sure that by-mail election systems run smoothly, the governing body must adopt a comprehensive ordinance covering the rules on alternative voting. The ordinance should cover a variety of issues:

- ❖ Types of alternative voting allowed (e.g., ballot mailed to a temporary address, in person, special needs voting, electronic)
- ❖ Deadlines to apply for ballots to be sent to a temporary address or electronically
- ❖ If and when in-person voting may take place
- ❖ Deadline for receipt of ballots
- ❖ Procedure to review and count ballots

The clerk must:

- ❖ Provide notices and publicity to make sure voters know how and when they can vote
- ❖ Develop ballots, forms, and other related voting materials used to document voting activity and accountability
- ❖ Train staff to assist voters and process the election
- ❖ Furnish to the State a list of voters who voted in regular municipal elections so that the voter's voter history can be recorded

In most municipalities, the clerk is responsible for these requirements.

### **Eligibility of Ballots**

Voters must meet the 30-day registration and/or change of address requirements so their ballots can be eligible to be counted in both municipal and State-conducted elections.

### **Types of Alternative Voting in Vote by Mail Jurisdictions**

- ❖ **In person** – The voter goes to a vote center and presents identification to vote in person. Often the ballot is still placed in an envelope and goes through the same processing as the by-mail ballots.
- ❖ **By electronic transmission** – Some municipalities allow absentee voting by electronic methods. When voters submit an application requesting a ballot sent to them electronically, they must sign a statement acknowledging that their ballot may lose its secrecy. If the municipality allows for voting electronically, carefully check the procedures for processing these ballots.
- ❖ **By special needs voting** – If a voter is unable to vote their mailed ballot or get to a vote center because of age, illness, or a disability, the voter can assign a special needs voting representative to bring the voting material to him or her and then return the voted ballot to the election official. When the clerk receives the written request, the clerk provides the envelopes and the ballot to the special needs voting representative (after verifying the identification of the special needs voting representative), who then takes the material to the voter. The voter votes the ballot and signs the affidavit envelope in the appropriate manner, and the envelope is then witnessed by the special needs voting representative. The special needs voting representative returns the voted ballot to the clerk or any polling place no later than 8:00 p.m. on Election Day.

Some clerks act as the personal representative and take their materials to the voter for this form of absentee voting.

### **Vote by Mail Voting Materials**

Vote by Mail voting materials consist of:

- ❖ The ballot(s)
- ❖ An instruction letter to the voter on how to complete and return the voted ballot
- ❖ A plain inner envelope or secrecy sleeve in which the ballot is initially sealed
- ❖ A ballot return envelope containing a voter affidavit in which the secrecy sleeve containing the ballot is placed and the affidavit signed and completed

The clerk's office should keep a register or a list of the names of all voters.

### **Review of Ballots**

The affidavit envelope completed by the voter is reviewed by the clerk, election staff, or the Review Board (sometimes called the Canvass Board) to determine if the voter is registered to vote, if the voter's signature matches or has been properly witnessed, if the voter signed the affidavit envelope, and if the ballot is postmarked or otherwise dated on or before election day. If the ballot does not meet these qualifications, it is not counted. If the ballot is not counted, the voter must be notified of the reason for the refusal to count the ballot.

## Tallying Ballots

### **Ballots That Are Not Commercially Printed**

Guidelines for tallying include:

- ❖ A voter may mark the ballot with an "x", check, or other mark
- ❖ The mark must be inside or touching the area indicated on the ballot
- ❖ Improper marks must not be counted
- ❖ If a voter marks fewer names than there are persons to be elected, the marks will be counted
- ❖ If a voter marks more names than there are persons to be elected, the marks in that section of the ballot must not be counted
- ❖ An erasure or correction invalidates that section of the ballot
- ❖ The clerk provides original and duplicate tally sheets. One election board member reads the ballots, and two members tally the candidates' names and issues as they are read. As the votes are read, each time the two members marking the tally reach five tick marks, they will say "tally." Each set of tallies is often alternated by ink color. For instance, the first set of five tick marks will be done in red ink, the second set in blue, third set in red, etc. This helps keep the tallying on track. Also, as the ballot reader reaches five ballots, turning the next five crossways will help in double checking any mistakes that may occur. Double tally sheets help ensure the accuracy of the count.

### **Computer Procedures for Counting of Ballots**

The program for the computer is prepared so the space to the left of a candidate's name is counted. The computer provides a printout that reflects the count of ballots for each precinct.

## Canvass or Review Board

The Canvass or Review Board consists of voters who are residents of the municipality. In many second class cities, the city council serves as the canvass board. The board:

- ❖ Reviews and counts the absentee ballots that may not have been counted on election night
- ❖ Reviews all questioned ballots and counts them, except those that are to be rejected
- ❖ Reviews the election board materials and, if necessary, makes any corrections to them
- ❖ Certifies to the clerk the accurate results of the election
- ❖ As part of the canvass process, the board determines the number of persons voting at the election, determines the number of votes for each candidate and issue, and makes recommendations to the clerk and the governing body.

## Certification of Election

Following each election, the clerk should give the governing body a report of the election results. To certify the election, the governing body adopts the report, either by motion or by resolution.

## Recounts/Election Contests

Follow the procedures in the local election ordinance on how to handle a recount or an election contest. (An election contest is a situation in which someone challenges or attempts to invalidate an election.) In general, an application for a recount or election contest must be submitted to the clerk within a specified time frame.

A recount requires the appointment of counters, an agreement on recount procedures, and the recounting of ballots. For both a recount and an election contest, the persons have the option of appealing the clerk's decision to the court.

## Voter History

### What Is It?

Voter history is the record of an individual's participation in a specific election. This history is maintained by the State Division of Elections and indicates the year and specific elections in which each voter participated.

### Statutory Authority

State law requires a voter history for each voter be kept for elections in which they participate. AS 15.07.130 and 137

### Purpose

The purpose of maintaining voter history is to ensure that a voter remains on the master voter registration rolls and is not dropped because of inactivity. Voting in elections helps maintain an active voter status.

### State Responsibility

The Division of Elections maintains the master record of voters registered in the state. Voter history is recorded as soon as the precinct registers are received in the Division of Elections office. The state returns the municipal registers to the municipal clerks after completion of the voter history.

### Municipal Responsibility

Send all registers and the floppy covers from the Questioned and Absentee In Person envelopes, including the list of absentee voters, from municipal elections to the Division of Elections office no later than 60 days after certification of the election. The 60 day deadline is important because of the purge process, which deletes the names of inactive voters. It begins the first week in January.

Each precinct register should be in numerical order by precinct number and have the total number of signatures in the bottom left-hand corner of the page. A total of all voters should be recorded in the upper right-hand corner of the first page of the precinct register.

## Purge

### Definition

Purge is the removal of a voter's name from the master roll of registered voters whose mail from the division was returned as:

- ❖ Undeliverable if the voter meets the same requirements of 2 and 3 below,
- ❖ Who has not contacted the division in the past four years or,
- ❖ Who has not voted or appeared to vote in the last four years

### **Statutory Authority/Process**

Periodically, at times of the director's choosing, but no less than in January of each calendar year, the director shall examine the master register and shall send, by non-forwarding mail to the voter's registration mailing address, a notice requesting address confirmation or correction to each voter who meets the above criteria. If the address confirmation card is returned as undeliverable or if the returned address confirmation card contains a forwarding address, the voter's mailing address will be updated to the forwarding address, and the voter is sent a second notice. The second notice informs the voter that if they do not respond within 45 days their voter registration will be inactivated. After 45 days from when the inactivation notice is mailed, any voter who has not responded will be inactivated. AS 15.07.130

### **Purpose**

Purging the names of inactive voters keeps the registration rolls as accurate and up-to-date as possible. The purging system helps eliminate the names of voters who have moved out of state and forgotten to cancel their Alaska registration or voters who have died. It also helps update the records of voters who have moved to a new place within the state.

### **Municipal Role**

Municipalities participate in the purge process by:

- ❖ Providing voter registration services to add new voters and update the records of already registered voters.
- ❖ Sending voting records to the regional supervisor after each election to make sure each voter's history record is current.

### **Related Issues**

After notification from the Department of Vital Statistics, a relative, or an obituary, the Division of Elections removes the names from the voting rolls of voters who have died. The purging process is also a backup to remove the names of deceased voters from the rolls. The Division of Elections has provided a Notification of Death form for the public's use.

The voting record of a convicted felon is assigned a code, and the record is inactivated to ensure that the person's name does not appear on precinct registers. The code is removed after the felon completes a jail sentence and/or parole. The Department of Corrections sends a notice to the Division of Elections, or the felon provides the division with a copy of the notification of unconditional discharge. The voter, however, must re-register to become an active voter.

## **What to Do If...**

**Q:** Two days before an election the owner calls to inform me that his building will not be available for use as a polling place. What can I do?



- A:** Call the precinct chair for suggestions of a new site. You may also know of a new location. Post signs at the original location giving the address of the new location. If you have time, announce the change in the newspaper and/or on the radio.
- Q:** I receive complaints that the line is too long and waiting to vote is inconvenient. What can I do?
- A:** Split your precinct register. One line can service those whose names begin with A - M, and a second line, N - Z. Or for very large precincts, you can split the line into three parts.
- Q:** A candidate has parked a vehicle, with large campaign posters mounted on it, within the 200 foot campaigning limit and refuses to move the truck. What can I do?
- A:** Call the regional supervisor's office for a state election and the local police department if it is a municipal election. You can also take a black trash bag out to the vehicle and cover up the sign by taping the trash bag over it.
- Q:** The voter turnout is larger than expected. I just ran out of ballots.
- A:** Ask your election officials to make a note in the register cover that they have made use of “unofficial ballots” by using Sample Ballots in place of Official Ballots. The precinct workers should sign attesting that they are using these “unofficial ballots” in place of the Official Ballots. They also need to keep track of the number of “unofficial ballots” used for ballot accountability purposes. Have the voter mark the ballot with a pen or pencil.
- Q:** A gentleman called and said he voted a questioned ballot in the last election and is asking if his record will be credited with voter history.
- A:** Yes, his voter history will reflect his questioned voting in that election.
- Q:** When a voter requests and votes an absentee ballot, does the voter history show this information?
- A:** Yes.
- Q:** It has been two years since I have registered any voters. Is a refresher course required?
- A:** The registration form is constantly being revised. Encourage registrars to update their training so they are informed of all new forms and changes in registration procedures.
- Q:** A person has spoiled two ballots. How many can I give to a particular voter?
- A:** Inform the voter you can issue no more than three ballots. After the second spoiled ballot, ask the voter if you can provide assistance in voting. Be sure to check local ordinances.

**Q:** What election items should I remove from the polling place in case of fire?

**A:** The most important thing to remember first is your safety. If possible, however, one election official should take the ballot box with voted ballots inside; another election official should take the precinct register; and any remaining officials should remove the un-voted ballots.

**Q:** Where and how do I get precinct registers and voter lists?

**A:** Call the regional supervisor and request either the precinct register or the voter list that you want.

## Initiative & Referendum Elections

**Note:** *Please review your own local governing body charter and ordinances for any rules that may vary from the following section.*

What are they?

**An initiative** is a legislative action, usually an ordinance or resolution, which is proposed by citizens and voted on by municipal resident voters.

**A referendum** is a repeal by the voters of an ordinance or resolution that was adopted by the governing body. Results of initiative and referendum elections are binding on the governing body and may not be changed for two years. [This timeframe may differ depending on your local rules.]

The term referendum is also used to describe a vote of the people required by state law to confirm action by the governing body or an advisory vote when the governing body is seeking the voters' opinion on an issue. The governing body is not required to follow the vote of the people at an advisory referendum election.

Article XI, Section 7 of the Alaska Constitution prohibits the use of an initiative to dedicate revenues or make appropriations and prohibits the use of a referendum to repeal an appropriation or an ordinance "necessary for the immediate preservation of the public peace, health, or safety." In addition, initiatives and referendums may not be used for administrative matters.

### Procedures

The procedures that general law municipalities must follow are outlined in state law. AS 29.26.100 - .190

The main steps in the process are:

- ❖ Sponsors apply for a petition
- ❖ Clerk determines whether the application is in proper form
- ❖ If the application is for an initiative, clerk determines whether the matter is appropriate for an initiative
- ❖ Clerk prepares the petition
- ❖ Sponsors circulate the petition for signatures
- ❖ Clerk determines if there are enough signatures on the petition
- ❖ Residents vote on the issue at a regular or special election
- ❖ Home rule municipalities may adopt their own procedures.

### **Clerk's Role**

In addition to all the responsibilities the clerk has in any type of election, there are specific tasks that must be performed by the clerk for initiative and referendum elections. Because the clerk must make complicated decisions, it is sometimes necessary to get legal advice about how to interpret and implement the law governing initiatives and referendums.

An application for petition must be filed with the clerk. It must include the ordinance or resolution to be initiated or referred and the name and address of a contact person and alternate. It must be signed by at least ten voters who agree to be sponsors.

The clerk must determine if the application is in proper form and meets the criteria listed in state law or the local election ordinance. If the application is acceptable, the clerk prepares the petition. The clerk's decision on whether the application is acceptable may be appealed to the courts.

For general law municipalities, the petition must contain:

- ❖ A summary of the ordinance or resolution to be enacted for an initiative or to be repealed for a referendum
- ❖ The complete ordinance or referendum
- ❖ The date the petition is issued by the clerk
- ❖ A notice that the sponsors have 90 days to get the necessary signatures
- ❖ Spaces for signatures, plus the printed name, mailing address, residence address, and date each person signed the petition
- ❖ A statement that the sponsors personally circulated the petition
- ❖ Space for the total number of signatures obtained
- ❖ Sample petitions are included in the Appendices.
- ❖ Home rule municipalities may adopt their own procedures.

The clerk must figure out the number of signatures required and tell the sponsors. If the municipality has fewer than 7,500 residents, a petition must have signatures equal to at least twenty-five percent of the number of votes cast at the last regular election; for a municipality of 7,500 or more, fifteen percent is required. The signatures on an initiative or referendum petition shall be secured within ninety days after the clerk issues the petition.

After a petition is filed, the clerk has ten days to certify if the petition is sufficient. A petition is sufficient if it has at least the minimum number of legitimate signatures. If the petition is insufficient, meaning that it does not have enough signatures, the clerk must notify the sponsors and give them ten more days to get the required number.

A petition signer may file a protest of the clerk's decision with the mayor within seven days of the certification. The governing body must rule on the protest at its next regular meeting.

### **Election**

Unless the governing body adopts substantially the same measure that is on the initiative or repeals the one on the referendum, the matter must be submitted to the voters at the next regular election or, if already scheduled, special election occurring not sooner than 60 days after certification of the petition. If no election is scheduled to occur within 75 days after certification of a petition and the governing body

determines it is in the best interest of the municipality, the governing body may by ordinance order a special election to be held on the matter before the next election that is already scheduled, but not sooner than 60 days after certification of the petition.

### **Information Sources**

Title 29 of the Alaska Statutes, AS 29.26.100 -.190 and local charter and ordinances for home rule municipalities have more detailed information on initiative and referendum elections. When using these resources, be sure to cross check the information with state law to keep current with legislative changes.

## **Recall**

***Note: Please review your own local governing body charter and ordinances for any rules that may vary from the following section. Please also review Alaska Statutes 29.26.250 – AS29.26.360.***

### **What Is It?**

An official who is elected or appointed to an elective office may be recalled by the voters after the official has served the first 120 days of the term for which elected or appointed. Recall means to vote out of office or remove from office.

Grounds for recall are:

- ❖ Misconduct in office
- ❖ Incompetence
- ❖ Failure to perform prescribed duties

The procedures listed in state law apply to both general law and home rule municipalities. AS 29.26.240 - .360

### **Procedures**

The procedures for recall elections are similar to those provided for initiative and referendum elections:

- ❖ Sponsors apply for recall petition
- ❖ Clerk determines whether application is in proper form
- ❖ Clerk prepares petition
- ❖ Sponsors circulate the petition for signatures
- ❖ Clerk determines if there are enough signatures on the petition
- ❖ Residents vote on the question at a regular or special election

### **Clerk's Role**

The clerk's role in recall elections is similar to the clerk's role in initiative and referendum elections.

The sponsors must file an application for a recall petition with the clerk. It must contain a statement of the grounds for recall as well as the names and addresses of the contact person, an alternate, and at least ten voters who agree to sponsor the petition. The clerk is in a particularly sensitive position when dealing with applications for recall petitions, and must remain neutral on the personalities and issues involved and to concentrate on the election process.

The clerk must determine if the application sets out the grounds for recall. The clerk does not have to decide if the allegations are true but must decide if the allegations fit one of the three grounds for recall. If the clerk is unsure if they fit, call the municipal attorney.

The recall petition must contain:

- ❖ The name of the official to be recalled
- ❖ The statement of the grounds for recall that was on the application
- ❖ The date the petition is issued by the clerk
- ❖ A notice that sponsors have 60 days to get the necessary signatures
- ❖ Spaces for signatures, plus the printed name, mailing address, residence address, and date signed for each person signing the petition
- ❖ A statement that the sponsors personally circulated the petition
- ❖ Space for the total number of signatures obtained

The clerk must figure out the number of signatures required and notify the sponsors. If the petition seeks to recall an official who represents the municipality at large, there must be signatures of at least 25% of the number of votes cast for that office at the last regular election. For an official representing a district, signatures equal to at least 25% of the number of votes cast in the district for that office at the last regular election are required.

Sponsors may not file a recall petition until the official has served the first 120 days of the term or if there are fewer than 180 days left in the official's term of office. After a petition is filed, the clerk has ten days to certify if the petition is "sufficient." A petition is sufficient if it has at least the minimum number of legitimate signatures.

If the petition is insufficient (not enough signatures), the clerk must notify the sponsors and give them ten more days to get enough signatures. If the petition is still insufficient, an application for a petition to recall the same official may not be filed for at least six months.

### **Election**

If the petition is sufficient, give it to the governing body at its next meeting. The governing body must submit the recall question to the voters at a regular election, if one is scheduled 45 to 75 days after the governing body receives the petition. If no regular election is scheduled during the time frame, the governing body has 45 to 75 days to schedule one. It is recommended that there be more than 60 day notice to allow time for federal pre-clearance of the special election date.

### **Form of Ballot**

The recall ballot must contain:

- ❖ The grounds for recall as stated on the petition
- ❖ A statement by the official named on the recall petition, if the statement is filed with the clerk at least 20 days before the election
- ❖ The question: "Shall (name of person) be recalled from the office of (office)? YES NO"

### **Information Sources**

A source for more detailed information on recall elections is Title 29 of the Alaska Statutes, AS 29.26.240 - .360. When using resource material, be sure to cross check the information with state law to keep current with legislative changes and your own municipal charter and/or code sections.

### **Federal Voting Rights Act**

The U.S. Congress enacted the Voting Rights Act in 1965 to end discriminatory practices that prevented or hindered members of racial and language minority groups from voting. Until 2013, municipalities were required to pre-clear election laws or practices through the U.S. Department of Justice (DOJ) prior to being put into effect. While municipalities are no longer required to pre-clear election laws or practices, it is important to understand the remainder of the Voting Rights Act of 1965.

### **Alaska Public Offices Commission (APOC)**

The Alaska Public Offices Commission (APOC) is a citizen commission created by the legislature to enforce the laws enacted to make known to the public:

- ❖ Who pays how much to support or oppose a candidate or issue
- ❖ What the financial interests of candidates and public officials are
- ❖ Who pays lobbyists how much to do what

The laws require:

- ❖ Candidates and public officials to report their financial interests
- ❖ Candidates and political action committees to report all contributions and campaign expenses
- ❖ Contributors to political campaigns to report all contributions of more than \$250
- ❖ Lobbyists and those they represent to report all expenditures made to influence the legislature and state government

Contact the APOC office with any questions or to request forms.

**Alaska Public Offices Commission**  
2221 E. Northern Lights Blvd. Room 128  
Anchorage, Alaska 99508-4149  
Phone: Anchorage (907) 276-4176  
Juneau (907) 465-4864  
Toll-Free (800) 478-4176  
Fax: (907) 276-7018  
Website: <http://doa.alaska.gov/apoc>

### **Conflict of Interest**

The State conflict of interest law applies to municipal officers unless residents of the municipality voted to exempt them. Mayors, managers, and members of assemblies, councils, planning and zoning

commissions, elected utility boards, and school boards are all considered municipal officers. Service area boards and charter commission members are not included. AS 39.50.010 - .200.

### **Who Must File?**

Organizations that support ballot issues, municipal officers, and candidates for elective municipal office, except service area boards and charter commission members, must file conflict of interest statements disclosing their personal financial interests.

These statements are filed with the clerk and must be kept for six years. They are public records, open for public inspection. If requested, the clerk must provide a copy of the statement and may charge a reasonable fee for it. Recent changes in state law require some municipalities (for populations over 15,000 residents) to file their Public Official Financial Disclosure forms electronically through their MyAlaska profile on the state website.

### **Deadlines**

Candidates must file the conflict of interest statements when they file for office. Their names may not be put on the ballot if they have not filed their conflict of interest statements. By March 15<sup>th</sup> of each year, they must file an updated statement for the previous calendar year if they held public office. Other municipal officers must file within 30 days of taking office and update their statements by March 15<sup>th</sup> each year.

APOC will notify you of available forms and instructions before the deadlines. APOC must be notified if someone does not file on time.

### **Candidates for State Offices**

Do not accept conflict of interest statements from candidates for statewide offices, even if they live in the municipality. They must file directly with APOC or the Division of Elections.

## **Campaign Disclosure**

The state's campaign disclosure law applies to municipalities with more than 1,000 residents, unless the residents have voted to exempt themselves. The law also allows municipalities to adopt ordinances setting out their own regulations for campaign contributions and expenditures. AS 15.13.010 - .130

### **Forms for Candidates**

Before each election, APOC will send a packet of instruction manuals, exemption forms for candidates who raise and spend less than \$5000, and regular reporting forms. State regulations require the clerk to have copies of these forms available in the office for the candidates. 2 AAC 50.310.

The clerk does not have to distribute the forms, and does not have to collect them. The candidates are responsible for picking up the forms and for delivering them to APOC.

### **Municipal Expenditures**

Municipalities that spend money to influence the outcome of an election or to provide information about a ballot issue must report those expenditures to APOC. APOC defines influence as all election-related communications, except election notices and expenses that are required by local ordinance, home rule charter, or state law.

If a municipality receives contributions for an election campaign, the names, addresses, and occupations of the contributors, the amount of the contributions, and how the contributions are spent must be reported to APOC. The municipality must be registered and report as a group. If the municipality does not raise or spend contributions, it may report as an individual.

These provisions on municipal expenditures apply to municipalities over 1,000 in population that have not exempted themselves from the campaign disclosure law.

For more information on how a municipality can exempt itself from the state laws governing conflict of interest and campaign disclosure, contact APOC.

## Lobbying

Elected and appointed municipal officers and municipal employees, when they are representing their municipality are exempt from the state regulation of lobbying law. AS 24.45.011 - .181.

If a municipality hires a lobbyist, the municipality must file all the reports required of employers.

In some municipalities, clerks file these reports; in others, a different employee is responsible. Forms and instruction manuals are available from APOC.



## CHAPTER 6 PUBLIC RELATIONS

### Public Sentiment

Traditionally, the clerk's office has been considered the main communications point between citizens and the governing body (assembly or council). This is the office where the general public can research records, request information, and file complaints.

The clerk's office also is the main link between the governing body and the administration in the preparation of official agendas, documents, and minutes. In addition, the clerk may handle many duties relating to the official business of municipal committees and commissions.

To properly do the job, it is important to be both responsive and diplomatic when dealing with elected officials, appointed administrative staff, the general public, and the media.

### Elected Officials

The clerk is usually the principal staff for members of the governing body. The clerk writes letters, maintains municipal calendars, sends out meeting reminders, and generally ensures awareness of pending activities.

Other staff duties may include drafting ordinances and resolutions (see Chapter 3) and researching issues that will be coming before the governing body.

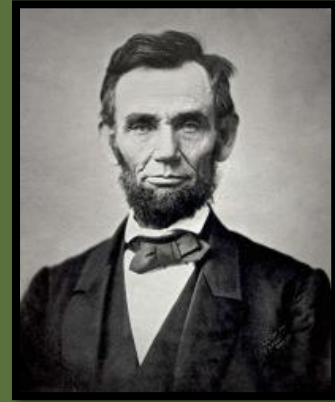
The clerk is often a sounding board for the governing body. It is important to listen and remain impartial. Do not take sides in conflicts among governing body members and do not play favorites. Be close-mouthed.

Elected officials also rely heavily on the clerk's office and other municipal staff to research and supply the information they need to make sound decisions

When reviewing agenda items and other documents, be sensitive to elected officials' concerns about the way things are presented and make sure that all the facts are included.

### Administrative Staff

The clerk is often the main communications link between the elected officials and the municipal staff. Some clerks prepare a list of what was requested or directed by the governing body. Often the clerk administers the oath of office to new members of the administration.



In 1858, Abraham Lincoln said:

*"Public sentiment is everything. With public sentiment, nothing can fail; without it, nothing can succeed. Consequently he who moulds public sentiment goes deeper than he who enacts statutes or pronounces decisions. He makes statutes and decisions possible or impossible to be executed."*

Since the municipal clerk is the main contact citizens have with their government, a unique opportunity exists to mold favorable public sentiment. By responding to citizens in an efficient and willing manner, with a courteous and helpful attitude, good public relations between the municipal government and the community can be assured.

Meeting with the staff on a regular basis helps keep the lines of communication open and facilitates follow-up on governing body actions.

The clerk, who usually works for the governing body, is often outside the administration's chain of command and should remember that department heads work for the manager or mayor. Be diplomatic.

The clerk is vital to a smoothly run government, which requires being a good team member and maintaining a good working relationship with the administration.

The clerk's office frequently serves as a liaison with state and federal agencies.

## **General Public**

The clerk's office is a service agency and, historically, the oldest office in municipal government. It is the citizen information center, where the general public, as well as elected officials and the administration, look for information about the operations of the municipality.

The clerk's office should be staffed and equipped to fulfill whatever duties are delegated to it, because one of the most important links between a municipal government and its citizens occurs through accurate and prompt communications, whether it be in person, on the telephone, online, or through written correspondence.

Some duties include responding to requests for information, listening to complaints, and distributing notices, brochures, calendars, correspondence, and other information about municipal activities.

Since there is a constant demand for information and the records are maintained in the clerk's office, an efficient filing and retrieval system should be set up to keep the paperwork flow moving in an orderly way. More information on filing systems is located in Chapter 7.

If citizens get courteous and prompt treatment in response to their inquiries, most will react favorably to the municipality. The public's first impression is often based on what they see when they walk through the door, so a neat personal appearance and tidy work area are important. It is important to maintain a list of resources, in order to accurately refer or direct people to those who can best assist them with solutions. The "bureaucratic run-around" creates a lasting bad impression.

Since the clerk's office is under constant scrutiny, there is a need to promote the highest standard of public relations, while at the same time protecting the municipality's interests and rights. Fulfilling both functions sometimes requires a delicate balancing act.

Often the clerk serves as an unofficial ombudsman, looking into citizens' complaints against the government. Be diplomatic in this role, and use tact and sensitivity when dealing with people.

In many municipalities, the office of the manager or administrator also has a lot of public contact. It is helpful to agree ahead of time about which types of citizen inquiries each office should handle.

The clerk sometimes serves as an ambassador for the municipality by representing the mayor and governing body at out-of-town conferences and meetings. In addition, the clerk often sits as the official representative of the municipality on local boards and commissions.

### **Handling Citizen Complaints**

When handling citizen complaints, maintain a courteous and helpful attitude and smile, even on the phone. Employees who are "quick tempered" should not deal with the public.

Get the complaining person's name early in the conversation and use it during the conversation. Thanking complaining citizens for their interest in the municipality often turns a potentially negative situation into a positive one - the complaints become constructive ways to improve the municipality and the citizens feel good about making worthwhile contributions to the community.

A sample feedback form is included in the Appendices.

### **Let the Person Talk**

General George C. Marshall's formula for handling people was:

- ❖ Listen to the other person's story
- ❖ Listen to the other person's full story
- ❖ Listen to the other person's full story first

Sometimes an upset citizen will calm down after having had a chance to fully explain a problem. Jot down questions while the person is talking and wait until the end of the presentation to ask them. Interrupting an angry person often increases the anger.

Offer apologies, but not excuses. A person doesn't think rationally when angry. Trying to reason with a person and offering excuses usually makes the person even angrier. Instead of offering excuses, express regret that the person did not receive the desired service.

Offer assistance as quickly as possible; however, do not make promises that cannot be kept. Get back to the person as soon as possible, even if it is only with a progress report. A lower voice and slower talking will sometimes calm an angry person.

## **Telephone Communications**

A good telephone personality will win friends. Keep a smile in the voice and be friendly, courteous, and tactful on the phone.

A good telephone voice is:

- ❖ **Alert** – Show alertness and interest by voice tone. Give the listener complete attention.
- ❖ **Pleasant** – Build a pleasant municipal image with a "voice with a smile." Using basic phrases of courtesy - please, thank you, and you're welcome –is one way to put a smile in a voice. Being pleasant is contagious.
- ❖ **Natural** – Use simple, straightforward language. Avoid repetition of mechanical words or phrases. Avoid technical terms or slang.
- ❖ **Distinct** – Speak clearly and distinctly. Talk directly into the mouthpiece.
- ❖ **Expressive** – Use a normal range of tone, avoiding extremes of loudness or softness. A well-modulated voice carries best over the telephone. Talk at a moderate rate, not too fast or too slow. Vary the tone of voice to add emphasis, help bring out the meaning, and add color and vitality to the conversation.

When receiving calls, answer promptly and courteously. Many clerks identify themselves to the caller when answering a phone call. Be friendly, interested, and attentive to the caller by being a good listener. Continuing a conversation with someone else after answering the phone or making side comments during the conversation is inconsiderate and irritating.

Apologize for errors or delays. Being courteous and sincere will help smooth the way when things do not go right. Keep promises to call back. When asking someone to return a call, suggest an appropriate time for call back.

When putting a caller on hold to check for information, ask, "Will you wait or shall I call you back?" If it takes longer to find the information than expected, give periodic updates to the caller and repeat the offer to call back. After getting the information, thank the caller for waiting.

When transferring calls, explain the need to transfer the call, give the caller the option of having someone return the call instead of being transferred, and provide the name and phone number where the call is being transferred in case the transfer does not go through.

To close a call and hang up, try to say goodbye in a way that leaves the caller feeling satisfied. If possible, let the caller hang up first to avoid cutting off further comments.

When answering the telephone for others, take accurate messages. Do not hesitate to ask people to spell their names or repeat phone numbers. Deliver the message as soon as possible.

Be tactful when explaining a co-worker's absence. It is better to say, "Sally Brown is away from her office right now. May I ask her to call you?" instead of "She's not in yet" or "She's out for coffee."

## Written Communication

Procedures for handling incoming correspondence vary from municipality to municipality. In some cases, the clerk's office receives, opens, and distributes all the mail for the municipality; in others, the clerk just gets the mail for the clerk's office and the governing body.

When dealing with mail addressed to the governing body, follow local procedures. No matter what the other practices are, all mail should be date stamped, with the year, month, and day that it is opened. This is for legal reasons and in case someone wants to refer to it in the future. Some clerks include an "Office of the Clerk" designation on the date stamps to differentiate the clerk's office from the other municipal offices. Purchase general date stamps from office supply stores or order personalized ones from them.

Some mail should not be opened, but the outside envelopes should still be date stamped when received. Examples include bids, absentee ballots, anything marked "personal," and in some cases, police department mail.

The clerk's office often gets legal and public sentiment petitions with many signatures. It is usually sufficient to correspond with the first name listed on the petition if information needs to get out to these people.

Some of the specific procedures for handling legal petitions are outlined in Chapter 5. If unsure about how to handle a legal public sentiment petition, check with the attorney or the Department of Commerce, Community, and Economic Development. Public sentiment petitions may be handled the same way as other correspondence to the governing body: date stamped, duplicated, and distributed to the governing body.

Threatening correspondence should be turned over to the chief administrator or the police department for possible follow-up action.

When preparing outgoing correspondence, be courteous just as in face-to-face communications.

The clerk's office often receives routine, general inquiries about the community, the municipal government, and past actions of the governing body that can be answered easily by the clerk's office.

Refer more technical matters to the appropriate department for an answer, but send a note to the letter writer advising of the referral and include a copy of the note with the inquiry.

To streamline the letter-writing process, keep samples of letters to use over again with minor changes. It is very simple to keep standard form letters that can be personalized.

Proclamations and resolutions of commendation and appreciation are good public relations tools to show recognition for a job well done. They are appreciated by the recipients, especially when properly ribboned, gold sealed, and delivered with a letter from the clerk and/or the mayor. Keep samples to use as references when drafting new ones. The International Institute of Municipal Clerks (IIMC) publishes a pamphlet, "Sample Proclamations" that includes many samples and can be found on their website at [www.iimc.com](http://www.iimc.com).

### **E-Mail and Other Electronic Communication**

E-mail and other electronic means of communication is quickly becoming the primary form of correspondence in many instances. When corresponding by email or other electronic means, keep in mind that the content should be done in as professional a manner as when you are corresponding by letter or memorandum. Do not put anything in an electronic communication that you would not want to see on the front page of your local newspaper. Be sure to keep copies of electronic transmissions in the same manner as you would any other correspondence per your records retention schedule. See Chapter 4 for the records management guidelines or for a sample, please see the State of Alaska email retention policy included in the supplements to this chapter or refer to the State's webpage at <https://archives.alaska.gov/rims>.

Maintain an accurate record of all correspondence sent from the clerk's office by keeping a reading file that contains a copy of every letter in order of date sent. Many people keep their reading files in three-ring binders so they are easy to refer to. Keep in accordance with your local records retention schedule (See Chapter 4).

## **Press Relations**

Maintaining good public relations with the media can be very beneficial to a municipality and its community. Being open and helpful can build trust and understanding, which will usually result in fair and sometimes favorable treatment from the press. With increased public interest in cable television, the internet and other media sources, it is more likely that the city clerk might be quoted in a release to the public.

The press is guaranteed certain rights through the U.S. Constitution and because most records of the city are open to the public, a citizen has a right to know and review much of the information kept by the clerk's office. However, it is acceptable to restrict the review time to normal office hours. No matter how good a clerk's relationship is with the press, it is important to remember that a reporter's agenda is different than a city clerk's agenda.

Depending on the issue, sometimes it may be better for a clerk to refer a reporter's question to the mayor, city manager, members of the governing body, or a public relations officer. When speaking with reporters, a clerk should be careful about what is said: think before speaking, give only the facts, and refrain from offering a personal opinion on issues. Remember, there is no such thing as "off the record."

Clerks should treat all members of the media impartially. News releases may be used to get information out to the public quickly and should be available to all news media at the same time. Because newspapers receive hundreds of press releases, a well-written release generates a reporter's interest in your story.

A sample News Release and Public Service Announcement are included in the Appendices.

## CHAPTER 7

# OFFICE MANAGEMENT

### Planning & Organization

The clerk's office should operate like any organized business office that deals with the public and handles a wide variety of functions. Whether the clerk works alone or supervises a large staff, some fundamental principles apply.

The old saying "Plan your work and work your plan" is as appropriate today as it was when it was written years ago. A basic plan of operation helps to keep routine work flowing smoothly. It also helps when dealing with emergencies and special demands that are a big part of every clerk's work life.

Set aside time on a regular basis for planning, reviewing present procedures, studying new methods, and planning for the future. Minutes spent on planning today will save hours later.

#### Work Inventory

The first step in preparing a basic plan of operations is to inventory the workload - make a complete list of all tasks and the amount of time it takes to do each one. The inventory should include all functions, regardless of the degree of importance. Functions and scheduling will vary from municipality to municipality, be sure to check your local municipal charter and/or code sections for regulatory duties.

Some typical functions include:

- Daily:** Mail, telephone, email
- Weekly:** Meetings, packets, advertising, payroll, filing
- Semi-monthly:** Meetings
- Monthly:** Notices, bills, grant reports, financial reports, meetings
- Quarterly:** Taxes, codification, financial reports, records management
- Semi-Annually:** Budget amendments (supplements), teleconference with legislators and other law makers, trainings and conferences
- Annually:** Retention schedule review, elections, license renewals, conflict of interest statements, budgeting, end-of-year financial reports, advisory boards, evaluations, review of goals and objectives, planning calendar development

Tip: Include an estimate of the amount of time to do each function.

#### Work Distribution and Flow

After completing the inventory, schedule the work by priorities and assign staff to specific duties. Some functions, such as publishing or posting legal notices, have deadlines and a high priority. Others, like filing, must be done on a regular basis but do not have to meet specific time requirements. It is important that any work schedule be flexible to allow for the inevitable interruptions and special requests.

Consider employees' aptitudes and interests when assigning staff to specific duties to promote a sense of identity and pride of position.

Cross-training employees is important. Employees who are cross-trained can fill in for others when they are on leave or resign. This will create a better understanding of the "big picture" of the clerk's office.

For maximum productivity, work areas should be organized to permit a smooth flow of work from employee to employee, with easy access to machines, equipment, files, and work areas.

Provide a service counter for public use. If possible, set it up in an area that is convenient for the public, but outside the employees' traffic flow to allow citizens to state their requests or problems without interruptions. Employees serving the public should be located close to the service counter.

### **Procedures Manuals**

Develop detailed procedures manuals for all major functions performed by the clerk's office. A manual is a reminder and checklist for experienced employees and an invaluable training tool for new ones.

To create a procedures manual:

- ❖ Assemble information about the function - put every idea, note, list, letter, cost figure, etc., in a folder
- ❖ Organize the information in a logical order, such as chronological, step-by-step, or topical
- ❖ Periodically review and update the manual to keep it current
- ❖ Test the procedures manual. Have someone with no experience in performing the task take the manual and perform the task from start to finish with no help. The ultimate goal is to have the individual to be able to follow the step-by-step instructions and successfully complete the task without having to ask questions.

Tip: Ask clerks in other municipalities for copies of their procedures manuals.

### **Work Simplification**

Review office operations regularly to look for ways to increase efficiency and eliminate unnecessary tasks. Substitute intelligence for activity.

Some steps for work simplifications are:

- ❖ Develop forms and templates. Check with other clerks for forms they may have already created.
- ❖ Prepare information packets covering the questions asked most often
- ❖ Break large projects into small, manageable units
- ❖ Keep filing up to date - filing is much easier in small batches than in big ones
- ❖ Review and update procedures periodically
- ❖ Follow a previously prepared schedule

### **Technology**

Clerks are using technology in many ways to increase the efficiency of operations and expand capabilities. Computers and basic software simplify tasks such as preparing agendas, minutes, resolutions, ordinances, personalized form letters, and public notices. They can be used for other tasks as well, such as records management and indexing minutes.

In addition to basic computers, there are many types of equipment and software to help the clerk's office operate more efficiently. Some examples are:

- ❖ Copiers, scanners, and fax machines: available with many options



- ❖ Mail-handling equipment: Postage meter, date/time stamp for mail/documents received, paper folder/envelope stuffer
- ❖ Printed materials production: Lamination machine, perforation machine, binding machine
- ❖ Paper shredder
- ❖ ADA compliance equipment: TDD (telephone display devices) and TTY (telephone for the hearing impaired)
- ❖ Audio/Visual Components: Teleconferencing and video conferencing equipment, building security systems, meeting room A/V system

Because office technology changes constantly, talk to other clerks before making any purchases. IIMC surveys office technology frequently, and the Alaska Municipal League may also be able to help evaluate options. Clerks often become the default “go to” people for help with technological equipment in the Assembly Chambers and/or other municipal meeting rooms they might control. Become familiar with the equipment and who to call when there are any problems that need troubleshooting.

## Budget

Although budgeting practices vary from municipality to municipality, the clerk is usually responsible for preparing the budget for the clerk’s office, elections, and the governing body.

Before preparing the budget, review prior and existing year operations and develop a plan for future operations.

The budget should show revenues, with sources and projected amounts, and expenditures, broken into specific categories.

### Clerk’s Office

Typical categories of expenditures are

- ❖ **Salaries/benefits** – Wages and benefits, such as vacation, sick leave, retirement, health insurance, workers’ compensation insurance, and car/mileage allowance
- ❖ **Temporary hires and overtime** – Wages and car/mileage allowance benefits, if any, for temporaries and estimates for the amount of overtime
- ❖ **Office supplies** – Stationary, office machine supplies, file supplies, staplers, rubber stamps, and printer paper
- ❖ **Contractual services** – Municipal code services (codification), microfilming, and printing jobs for special reports and brochures
- ❖ **Postage and communications** – Mailing expenses, telecommunications, and internet service fees
- ❖ **Training and travel** – Registration fees, transportation, hotels, and meals for attending conferences, workshops, and seminars
- ❖ **Advertising/noticing** – Ordinances, notices to bidders, notices of hearings, annexations, and foreclosures
- ❖ **Equipment purchases** – Office furniture, computers, software, audio/visual components, postage meters, copiers, and other office equipment

- ❖ **Membership dues and subscriptions** – Dues in professional organizations, media, reference and technical books
- ❖ **Maintenance contracts** – Contracts to maintain equipment and software agreements

### Elections

Typical expenditure categories for general and special elections (e.g., run-off elections) are:

- ❖ **Salaries/benefits or contractual services** – Elections boards, computer ballot processing, absentee voting officials
- ❖ **Miscellaneous supplies** – Pins, pencils, pens, paper, and tape
- ❖ **Communications** – Phone and fax services, general postage, by mail postage
- ❖ **Travel/per diem/food** – Election judges and clerk
- ❖ **Advertising/printing** – Election notices, ballots, ballot envelopes, voter pamphlets, other by mail materials
- ❖ **Rent** – Polling places, absentee voting stations

### Governing Body

Typical expenditure categories are:

- ❖ **Compensation/benefits**
- ❖ **Materials and supplies** – Personalized supplies for members, Chambers and meeting supplies, meeting refreshments
- ❖ **Professional services** – Legal fees, audits, secretarial services
- ❖ **Communications** – Phone calls, fax messages, ADA accessibility
- ❖ **Travel/per-diem** – Official business of assembly/council members
- ❖ **Monthly expense allowances and membership dues** – Expenses for assembly/council; memberships in such organizations as Alaska Municipal League, National League of Cities, or National Association of Counties, Southeast Conference, Resource Development Council; other fees such as subscriptions
- ❖ **Honorarium Account** – Official business of assembly/council members

Additional information on preparing municipal budgets is available from the Department of Commerce, Community and Economic Development.

## Personnel

### Supervision

A good supervisor understands that the way to operate effectively is to encourage teamwork and to create a climate of participation while emphasizing the importance of the individual employee. A good supervisor also understands the necessity for continuing education and professional development. Reviewing employee job descriptions periodically ensures the job descriptions are accurate and the employee is performing the required tasks.

One technique for increasing employee motivation is regular problem-solving discussions. This technique improves operations when workable suggestions are implemented. Another proven method is to delegate authority and responsibility. A person with some decision-making powers is more dedicated to the job than one who is simply told what to do.

Practical approaches to employee relations have been developed using group dynamics and motivation theories. For more information, contact the library or professional associations for the names of textbooks and reference materials describing these theories and practices.

### **Performance Evaluations**

A supervisory responsibility is evaluation of employees' performances. In most municipalities, performance evaluations are scheduled every six or twelve months, with new employees evaluated after a three-month probationary period.

An evaluation reports how well the employee is performing the job, sets out employee's job goals for the next period, and suggests areas for improvement. The process works best when it is positive, with the emphasis on developing ways for the employee to increase job productivity.

Evaluations are used to determine compensation; placement and promotion; training needs; and, in some cases, the need for disciplinary action.

Every municipality has its own procedures.

## **Training**

### **Training for the Clerk**

Training helps keep the clerk current with changes in office procedures, interpersonal relations, technical areas, and expands knowledge in all aspects of the job. A commitment to life-long learning and professional development are a cornerstone of the clerk's CMC or MMC certification.

Each fall, the Alaska Association of Municipal Clerks (AAMC) offers a one-day Academy in conjunction with the AAMC Annual Conference and the Alaska Municipal League Annual Conference. AAMC also presents educational workshops to further enhance training throughout its annual conference. Additional training is available through Northwest Clerks Institute, and also online through ARMA at <https://www.arma.org> and IIMC at [www.iimc.com](http://www.iimc.com).

### **Training New Employees and Furthering the Education of Experienced Ones**

This, too, is a continuous process. In addition to offering technical information, training sessions motivate employees and promote team spirit.

A good rule to remember in training situations: "What is routine to you seems very complex and confusing to a newcomer." The more complete the information presented, the better the learning process.

Because people have different learning styles, it is helpful to present information in a variety of ways. The four-step process, covering "hearing, seeing, and feeling," works for most people and most training situations. The four steps include:

- ❖ Explaining the process and asking if there are questions
- ❖ Providing written procedures manuals and checklists
- ❖ Working with the employee to do some hands-on examples

- ❖ Giving employees a general explanation of the services provided by the clerk's office and the value of those services to the community (provide a list of other municipal employees and their main duties and responsibilities)

### **Training for Governing Body Members**

In addition to training employees and furthering individual education, clerks play a role in promoting training for members of the governing body. Training opportunity notices should be presented to the governing body to encourage the members to attend. AML publishes an Elected Officials Handbook and offers newly elected officials' training at its fall conference. New members also need to understand what the clerk's office does. If possible, it is good to have the new members attend an orientation in your own municipality prior to the new members attending the AML Newly Elected Officials training either through a training session or by meeting with the mayor and/or city manager and department heads.

## **Personnel Rules and Regulations**

State law directs general law municipalities to appoint and promote employees on the basis of merit, except that the governing body may adopt an ordinance exempting some confidential or managerial positions. AS 29.20.410.

This section of state law also authorizes the governing body to provide a personnel system: a set of written personnel rules and regulations or policies and procedures. A personnel system is important because it:

- ❖ Establishes an equitable procedure for dealing with personnel matters
- ❖ Assures that appointments and promotions are made on the basis of merit
- ❖ Provides a reasonable degree of job security for qualified employees

Although personnel rules and regulations vary from municipality to municipality, they should include policies and procedures on:

- ❖ Annual, sick, and other leave
- ❖ Work week and holidays
- ❖ Hiring practices
- ❖ Administration of benefits – workers' compensation, health/life insurance, deferred compensation, and retirement
- ❖ Grievance procedures and/or arbitration for employee complaints
- ❖ Job descriptions and specifications
- ❖ Travel policies, including trip and expense reports
- ❖ Drug and alcohol non-tolerance and testing policy
- ❖ Sexual harassment policy
- ❖ ADA (Americans with Disabilities Act) policy

### **Personnel Records**

Employee personnel files usually include:

- ❖ Employment application

- ❖ Interview records and notes
- ❖ Notification of hire
- ❖ Salary history and benefits package
- ❖ On-the-job accident reports and workers' compensation claims
- ❖ Employee evaluations
- ❖ Employment actions, such as commendations, awards, training certificates, warnings, and reprimands
- ❖ Resignation or letter of termination

Personnel files have a long retention life, are confidential, should be locked and separate from other municipal records and, for the most part, are not open for public inspection.

## Filing Systems

### Establishing a System

A filing system is the arranging and storing of materials to facilitate easy and quick research. Materials come in many different forms and filing systems need to accommodate all materials regardless of the physical or digital format. The first step is to review the existing files and determine the best filing system. The municipality's Records Management System and Records Retention Schedule are important to consider when establishing or reorganizing any filing system. Examples include:

- ❖ **Alphabetical** – Arrangement of records according to the alphabet; used for materials filed by subject and referred to by name
- ❖ **Numerical** – arrangement of records in sequence by document number; could be used for filing ordinances, resolutions, or other numbered material
- ❖ **Functional** – arrangement of sets of records by function, e.g., finances, elections, public works, and others; used in combination with other systems
- ❖ **Combination of these systems**

The next step is to inventory the records and documents. Separate inactive records from active ones. AS 29.20.380(a)(4)

New clerks should wait at least six months before reorganizing filing systems to become familiar with the records. Check with other clerks in municipalities of the same size and type to find out what type of filing system they use.

The Local Government Model Records Retention and Disposition Schedule #300.1 is a useful records retention resource, available through the Alaska State Archives, Records & Information Management Services at <https://archives.alaska.gov/rims>.

### Maintenance and Control

Designate one person to be in charge of the files, but, if possible, also cross-train another person for back up. Use out guide cards to mark where files have been removed from the filing cabinet and a check-out system for files that leave the office.

Maintain a reading file of all correspondence to and from the clerk's office arranged in chronological order.

Three documents are extremely important:

- ❖ A procedures manual that outlines the filing system
- ❖ A filing index that lists all categories in the files
- ❖ The municipality's adopted records retention schedule

## Tickler Systems

There are several reminder and follow-up systems for keeping track of meetings, deadlines, and other "to do's." Often these are called "tickler" systems.

There are no right or wrong systems. Any reminder system needs to be checked daily and kept up-to-date or it is useless!

Examples of tickler systems include:

- ❖ **Accordion-type file** – Label the pockets by month, week, or day and place notes in the appropriate pockets. Accordion folders with printed daily and monthly tabs can be purchased from office supply companies.
- ❖ **Calendars** – Keep track of meetings, deadlines, and other "to do's" on a computer or desk calendar. Many clerks use this system in conjunction with a tickler list.
- ❖ **Computer tickler list** – Keep a running list on the computer, adding newly referred items and deleting accomplished items.

## Inter-Office Relations

### Communications

Most clerks recommend regular weekly staff meetings to ensure good communications between the clerk's office and the rest of the municipal staff.

Citizens rely on the clerk's office for information; therefore, there should be procedures to notify the clerk when there is a community emergency. Encourage the exchange of information.

### Team Concept

The clerk and other municipal staff serve as a team to conduct the public's business. Some municipalities form small teams of staff members to work on specific areas of concern. Each area of municipal business is complex and so is the approach to finding solutions to problems. The clerk plays an important role in the process.

## CHAPTER 8

### FINANCIAL DUTIES

In some municipalities and boroughs the clerk also serves as treasurer, finance officer, and/or bookkeeper, with responsibilities for revenue sharing applications, grant administration, monthly financial reports, budget preparation, accounts payable, accounts receivable, payroll, sales tax collection and accounting, special assessment districts, investments, and bookkeeping.

The treasurer is the custodian of all municipal funds and keeps an itemized account of all money received and spent. State law requires that the appointed treasurer for the municipality posts a bond. A bond is a written obligation that promises to pay a sum of money if the treasurer defaults in conduct or performance. AS 29.20.390

By State law, the municipality is required to pay the premium on the bond. The bond may be purchased from an insurance company. AS 29.20.610

Unless the governing body adopts an ordinance establishing a different procedure, the treasurer is appointed by the mayor in municipalities that have not adopted the manager plan and by the manager in municipalities with the manager plan. The appointment must be confirmed by the governing body. AS 29.20.360

Finance officer, accountant, and bookkeeper are some of the terms used to describe people who keep financial records, such as a general ledger, accounts payable, accounts receivable, bank statement reconciliation, payroll, and taxes. A clerk with these responsibilities should have special training in more detail than can be presented here; however, some of the basic functions and procedures will be described in this chapter.

The Department of Commerce, Community and Economic Development (DCCED) Division of Community and Regional Affairs (DCRA) has various online resources to help set up a bookkeeping system and train on how to prepare monthly financial reports. The Local Government Resource Desk has links to numerous online handbooks for Budgeting & Financial Management which are useful references.

For more information or assistance contact DCRA at <https://www.commerce.alaska.gov/web/dcra/LocalGovernmentAssistance.aspx>.

### Financial Management

Three important parts of financial management are budgeting, record keeping, and financial reporting.

#### **Budgeting**

The budget is the financial plan for the municipality and shows all expected revenues and expenses for the fiscal year (FY). The fiscal year, established locally, is the twelve-month period of time covered by the budget and financial reports. Some municipalities and the State use a July 1 to June 30 fiscal year; others, a calendar fiscal year of January 1 to December 31. The federal fiscal year is October 1 to September 30.

Budget preparation differs from municipality to municipality, but clerks are usually involved in the process. Clerks may prepare budgets for their offices, governing bodies, elections, and sometimes the entire municipal budget (See Chapter 6).

In general law municipalities, the budget must be adopted by the governing body by ordinance. Like other ordinances, the budget (appropriations ordinance) must have a public hearing with appropriate public

notice (See Chapter 3). The governing body may amend the budget (make supplemental appropriations) during the year, but amendments must also be by ordinance. AS 29.25.010(a)(4) and AS 29.35.100

Home rule municipalities may set up their own budget procedures.

### **Record Keeping**

Financial record keeping starts with a good bookkeeping system that is kept current and is accurate. There are many good electronic bookkeeping programs available.

- ❖ For Accounts Receivable (revenues), keep a journal to record all incoming funds by name, with date of receipt. Examples include utility bills, grants, property taxes, sales taxes, municipal assistance, revenue sharing, liquor license refunds, fines and citations, and licenses.
- ❖ For individual billings (electric bills, water bills, garbage bills), set up a separate accounts receivable ledger for each customer in order to keep track of each person's charges and payments.
- ❖ If the municipality issues licenses, set up a ledger to enter the information and number for each type of license to avoid issuing the license number to two people.
- ❖ For Accounts Payable (expenditures), record all bills that need to be paid in a journal. When paying the bill, attach a copy of the check with the invoice, a copy of the purchase order, and the check request form and file them alphabetically in the Accounts Payable file.
- ❖ On a monthly basis, transfer (post) the revenue and expenditure information from the journals to the General Ledger. The Ledger is divided into a chart of accounts for the services, functions, and funds of the municipality. General Ledger information is used to prepare trial balances, balance sheets, and financial reports.
- ❖ Be sure to keep track of and pay the municipality's taxes. Taxes paid by a municipality include payroll taxes withheld from employees' checks that must be paid to the Internal Revenue Service. The DCCED can provide assistance on tax questions.

The main types of systems used by municipalities are the cash system and the modified accrual system. With the cash system, revenues are recorded when money is received and expenditures are recorded when money is spent. With the modified accrual system, expenditures are recorded when owed (when the municipality gets a bill). Taxes and service charges due are recorded when owed; other revenues are recorded when money is received. Most small municipalities use a cash system of bookkeeping. For more information, contact DCRA or the municipality's local auditor or financial consultant.

### **Financial Reporting**

In general law municipalities, the mayor or manager must give monthly financial reports to the governing body. These reports are usually prepared by the treasurer. AS 29.20.250(a) and AS 29.20.500(4) It is important to compare actual revenue and expenditure figures with the amount budgeted in the various categories. Most home rule municipalities have similar requirements.

## **Revenue Sharing Reports**

### **Community Assistance Fund**

To receive Community Assistance Funds, AS 29.60.850-.865, every municipality must file the following reports with the State:



- ❖ Annual audit or consolidated financial statement
- ❖ Current annual budget of the municipality
- ❖ Taxpayer notices, as applicable
- ❖ Tax Reports to State Assessor's office
- ❖ Maps and descriptions of all annexed or detached territory

The most current details on this program can be found at <https://www.commerce.alaska.gov/web/dcra/GrantandFunding/CommunityRevenueSharing.aspx>

### **Taxpayer Notices**

If the municipality levies and collects property taxes, a notice must be posted listing the amount of state aid for school and municipal purposes and the equivalent mill rate for each category. AS 29.45.020.

Notice is given by mailing a copy of the notice with the tax statements or by publishing the notice in a newspaper of general circulation in the municipality at least three times over three successive weeks. Notice must be given within 45 days after the annual budget is adopted.

If the municipality has a sales tax, but does not have a property tax, a similar notice must be posted listing the amount of state aid and the equivalent sales tax rate for each category instead of the mill rate. AS 29.45.660.

Notice is given by publishing it in a newspaper of general circulation in the municipality at least three times over three successive weeks or, if there is no newspaper, by posting a copy of the notice in at least two public places in the municipality for at least 20 days. Notice must be given within 45 days after the annual budget is adopted.

## **Sales Tax**

Municipalities may levy and collect sales and use taxes and provide for liens to collect delinquent taxes. In general law municipalities, the ordinance creating or amending a sales tax must be ratified by the voters. AS 29.45.650 - .710

In many municipalities, the clerk/treasurer is responsible for all sales tax matters, including collection and administration. Develop a form letter explaining the tax and how it is computed, a registration form, and a reporting form for local businesses to use when returning sales tax revenues. Maintain accurate sales tax records. Sample forms can be found in the Appendices.

## **Utility Billings & Payments**

The clerk may prepare and mail out bills for utility services. Examples of utilities are water, sewer, electricity, telephone, cable TV, and garbage.

### **Billing Ledgers**

Keep the billing ledgers in alphabetic or account number order so it is easy to post the charges and payments each month. When the billing is finished, add the current month's billing to the accounts receivable journal so the municipality will know how much revenue is expected.

## Enterprise Fund Billings & Payments

Billings for enterprise funds are similar to utility billings. Examples of enterprises include small boat harbors, laundromats, airports, health clinics, wharves, and equipment rental. These bills may be sent on a seasonal basis, as well as monthly or quarterly. Keep a ledger for each account.

### **Charitable Games**

Be sure the municipality has a state permit before conducting any bingo or pull tab games. Contact the Tax Division, Gaming Group of the Department of Revenue for information about permits and reporting regulations for gaming. These regulations are updated by the State and vary from year to year. Web link: <http://www.tax.alaska.gov/programs/programs/index.aspx?54160>.

## Assessing Functions

In some municipalities levying property taxes and some of the assessing functions may be assigned to the clerk or clerk/treasurer.

- ❖ **Mailing Assessment Notices – At least 30 days before Board of Equalization meetings, each person must be mailed a notice of assessment showing the assessed value of the property. AS 29.45.170**
- ❖ **Appeals – A person may appeal the property valuation by sending a written appeal to the assessor. Notice of the Board of Equalization meeting must be given to the person appealing. AS 29.45.190**
- ❖ **Board of Equalization – The governing body, or a board appointed by it, sits as the Board of Equalization to hear appeals. As with other meetings, the clerk must give public notice and may be required to prepare agendas and take minutes. The Board of Equalization can overturn the decisions of the assessor. AS 29.45.200**
- ❖ **Mill Rate and Tax Statements – Unless otherwise specified by ordinance, governing bodies must pass a resolution setting the mill rate by June 15; tax statements must be mailed by July 1<sup>st</sup>. AS 29.45.240**
- ❖ **Senior Citizen/Disabled Veterans' Property Tax Exemption – Senior citizens or disabled veterans seeking the exemption must annually file their forms in the municipal assessor's office by January 15, or a date set by the governing body, no later than March 31. The municipal assessor sends the forms to the State assessor, along with a copy of the individual tax statements, for the reimbursement. In recent years, the State has not provided full funding for this program. The first \$150,000 of the value of property owned by a senior citizen or disabled veteran is exempt from property tax. However, the municipality receives only a portion of this amount back from the State. Contact the State Assessor for more information. AS 29.45.040**

## CHAPTER 9

### OTHER DUTIES AS REQUIRED

Duties for clerks vary in each municipality. Included in this chapter are some duties that may be assigned to the clerk position. This is in no way a finite list of duties that may be assigned as it is impossible to address every situation.

#### Notary Public

A notary public is an official appointed by the State to serve the public as an impartial and unbiased witness, with duties prescribed by law.

The State offers two types of notaries public: those with a regular commission and those with a limited governmental commission. The limited governmental commission is available only to Federal, State and Municipal employees and its use is restricted to the official business of your employer. The full commission applies to all others and does not restrict use to the business of your employer.

The most common function of the notary is to prevent fraud by attesting to the identity of a person signing a document. Notarization on a document certifies that the person whose signature is entered on the document personally appeared before the notary, established their identity, and personally signed the document in the presence of the notary.

The Lieutenant Governor's Office is responsible for notary licensing. To apply for a limited governmental commission, complete the application, Employer Approval form and pay a \$40 fee. The State of Alaska does not require training and testing for notaries public at this time but does recommend that all notaries obtain training. A step-by-step guide to the application process, and FAQ's are available on the Lt. Governor's Alaska Notary Public Office website.

Notary public commission applications, renewals, frequently asked questions, statutes, and a wealth of information on notary services can be found online at <https://ltgov.alaska.gov/notaries-public>.

Information on other notary training organizations can be found with the following links:

- ❖ <http://www.notary.net>
- ❖ <http://www.asnnotary.org>
- ❖ <http://www.notarylearningcenter.com>

#### **Remote Notary Services**

In very limited circumstances, a notary may perform a notarial act remotely, using communication technology, as permitted by state law. Refer to AS 44.50.075.

EFFECTIVE JANUARY 1, 2021 – notaries commissioned in Alaska are required to maintain a journal of all notarial acts that they perform. The journal must be retained for 10 years following the date of the last notarial act recorded in the journal. Journal requirements can be found in AS 44.50.078.

#### Contracts & Agreements

Municipalities contract for many different services such as professional services, purchases of goods, construction of facilities, acquisition of property, and inter-governmental agreements. These contracts are written agreements that are binding on the parties involved.

The clerk's role is to attest the document (certify the signatures by signing and affixing the municipal seal) after it is signed and to maintain it in the municipal records. Contracts are records and must be retained after the terms of the contract have been carried out.

Monitor the contract by noting time frames and deadlines in the "tickler" calendar and offering reminders to the person implementing the contract.

Contracts and agreements should be reviewed by an attorney; however, the clerk may be asked to prepare drafts. Standard contract provisions and information on writing an agreement can be found through the Division of Community and Regional Affairs (DCRA) at <https://www.commerce.alaska.gov/web/dcra/Home.aspx>.

## Licenses & Permits

One of the clerk's tasks may be issuing licenses and permits and collecting the fees for them. Local licenses and permits may be required for dogs, day care facilities, land use, building/construction, transient merchants, food trucks, burning, collecting sales tax, cemetery plots, and operating businesses.

Establish a tracking system that includes the license number issued, name, address, receipt number, date, and amount paid for each type of license or permit. Check to be sure that the local ordinance requirements for each type of permit have been met before issuing the permit. (Examples: proof of rabies vaccination prior to issuing a dog license; approval by building inspector prior to issuing a building permit.)

Some permits should be considered permanent records and filed as such. Building permits, land use permits, and cemetery plot are good examples.

In addition to local licenses and permits, some licenses are established and issued by the State but require local approval. An example of this type of license is a liquor or marijuana license. Notify the appropriate State agency and the applicant of the action taken by the governing body on each permit.

For more information on liquor and marijuana licenses, contact:

**Alcohol and Marijuana Control Office (AMCO)**

550 W 7<sup>th</sup> Avenue, Ste. 1600  
Anchorage, AK 99501  
Phone: (907) 269-0350

<https://www.commerce.alaska.gov/web/amco>

For more information on gaming licenses, contact:

**Charitable Gaming Division**

Alaska Department of Revenue  
Tax Division, Gaming Group  
P.O. Box 110420  
Juneau, AK 99811-0420  
Phone: (907) 465-2581  
Fax: (907) 465-3098

<http://www.tax.alaska.gov/programs/programs/index.aspx?54160>

## Bidding Procedures

Most municipalities require competitive bid/proposals when making purchases that cost more than a certain amount of money. Specific amounts and the procedures are set up by local ordinance and vary from municipality to municipality.

Common competitive bidding procedures include:

- ❖ Advertise the bid/proposal in newspapers and/or other publications with information about what will be purchased; dates bids/proposals must be received; and name, address, and phone number of the contact person.
- ❖ Check the local procedures for dealing with prospective bidders and proposers. The municipality may want to send prospective bidders an "invitation to bid" and prospective proposers a "request for proposals" form. This form is also called a "request for quotations." Make sure to ask for the following information:
  - Complete description of the item or items
  - Total costs, including shipping
  - Delivery date
  - How long the bid/proposal price is guaranteed
  - Signature of an authorized agent
- ❖ The clerk's office usually receives the bid or proposal, which must be in a sealed envelope. Date and time stamp the bid envelope, but do not open it. In many cases, bids/proposals are accompanied by a security deposit, such as a cashier's check, certified check, or bond.
- ❖ Give public notice of bid/proposal openings. All bids/proposals are opened at a time and place specified in the advertisement.
- ❖ After the governing body awards the bid/proposal, the clerk or purchasing agent notifies the successful bidder/proposer. Also notify the unsuccessful bidders/proposers and return their deposits/bonds after the successful bidder/proposer has signed a contract.

When formal bid/proposal procedures are not required, call or write for informal price quotes before making purchases to ensure the municipality receives the best possible deal. Usually three price quotes are enough. Check local requirements and procedures.

## Purchasing

In smaller municipalities the duty of purchasing officer may be assigned to the clerk. Purchasing guidelines may be outlined within the municipalities' code, which should be the first point of reference.

The governing body should adopt regulations outlining purchasing guidelines, including:

- ❖ Duties of the purchasing agent
- ❖ The specified dollar amount that triggers the competitive bidding requirement
- ❖ How to make purchases when competitive bidding is not required
- ❖ Provisions for emergency purchases

#### ❖ Petty cash policy

After the general guidelines have been adopted, develop a manual detailing the specific purchasing policies and procedures. Resources for developing guidelines, policies and procedures can be found through DCRA.

#### **Purchase Example**

In a typical example of a purchase, the first step is to fill out a purchase request. Forms can be developed locally, purchased through an office supply store, or may be part of the municipality's financial management software. The purchasing agent determines if funds are available and sends the request to the manager or mayor for consideration.

If the request is approved, it is returned to the purchasing agent, who prepares a purchase order authorizing a vendor to supply the goods or services ordered. Purchase orders should be pre-numbered to ensure each one has a unique number assigned to it.

When the goods are delivered, the receiver inspects and tests the quantity and quality ordered. The shipping invoice or packing slip is initialed and dated and then is sent to the purchasing agent, to be attached to the purchase order.

Payment should not be made until the vendor sends a billing invoice and it is checked against the purchase order. After payment, the invoice is marked "paid," attached to a copy of the check, a copy of the purchase order and the check request form, with the amount of the payment entered in the appropriate journal.

## Grants

Grants are non-repayable funds disbursed by one party. In order to receive a grant, some form of grant writing, either a proposal or application is usually required. In many municipalities, clerks research the availability of grants and fill out grant applications.

#### **Grant Resources**

- ❖ Federal grant information and application procedures are available at <https://www.grants.gov>.
- ❖ The Catalog of Federal Domestic Assistance (CFDA) is available at <https://beta.sam.gov/help/assistance-listing>.
- ❖ The Alaska State Department of Health and Social Services, Finance and Management Services lists all state grants that are available each fiscal year on their website at <http://dhss.alaska.gov/fms/grants/pages/grants.aspx>.
- ❖ Local libraries are a good resource to find info on private corporations and foundations that provide grants to municipalities. This information may also be available from the Alaska State Library at:

**Alaska State Library**

P.O. Box 110571

Juneau, Alaska 99811-0571

Phone: (907) 465-2920

Fax: (907) 465-2151

<https://library.alaska.gov>

### **Applying for Grants**

Because grant applications are time-consuming to fill out, it is helpful to contact the granting agency ahead of time to see if a particular grant should be applied for. Questions to ask are:

- ❖ Does the municipality qualify?
- ❖ How may grant funds be spent?
- ❖ Are local matching funds required and available?
- ❖ What are the reporting requirements?
- ❖ What are the application procedures?
- ❖ What is the application deadline?
- ❖ With this information, decide whether or not to prepare an application.

### **Grant Administration**

If a clerk is requested to administer a grant, it would be appropriate to request training or software to assist in the process. Grant Administrators are typically specially trained in how to properly administer grants, as the process can be quite complicated. There may be very specific reporting requirements for each grant. It would be wise to document everything.

Most grants are made to fund a specific request. It is important to ensure that the grant funds are used for the purpose intended and the way intended or the municipality may be required to pay back the money to the granting agency.

Ask for help from the granting agency if there are any questions about implementation procedures or reporting requirements.

## **Insurance**

Most municipalities have several types of insurance to cover losses from claims that might be made against them. Types of insurance that a municipality might carry include general and auto liability, property (including auto, earthquake, flood, and fire damage), police liability, and liability for actions of public officials. In addition, municipalities may offer health, disability, and life insurance to their employees.

Only workers' compensation insurance is required by law. It is important for municipalities to seriously consider carrying other insurance, especially property and liability, because they have a lot of money invested in their buildings, vehicles, and equipment and are considered by some to be a good target for law suits.

To administer the insurance program:

- ❖ Maintain records of the expiration date for all policies
- ❖ Process and maintain a file on claims
- ❖ Keep policies available for use and review
- ❖ Keep lists of current buildings and contents, equipment, vehicles, and other assets

- ❖ Keep lists of Alaska driver's license numbers for all authorized drivers of municipal vehicles
- ❖ Respond to update requests from the insurance company immediately or the insurance may be canceled
- ❖ Put insurance policies on the record retention schedule

The Alaska Municipal League Joint Insurance Association, Inc. (AML/JIA) is a risk management pool that AML member municipalities and school districts may join. AML/JIA offers risk control services and coverage for workers' compensation, general liability, auto liability, property, police professional, and public officials' errors and omissions. More information is available at:

**Alaska Municipal League Joint Insurance Association, Inc.**

807 G Street, Suite 356  
Anchorage, AK 99501  
Phone: (907) 258-2625  
Toll Free: (800) 337-3682  
<https://www.amljia.org>

## Enforcement of Personal Property Tax Liens

**Note: This section applies to municipalities that levy taxes on personal property.**

If a general law municipality wants to seize personal property to force payment of delinquent taxes, it must follow the procedures set out in State law. The clerk's role is to issue a warrant for seizure to a peace officer. AS 29.45.310.

Clerks in home rule municipalities should check their charter and ordinances for their procedures.

## Property Tax Foreclosure/Delinquent Tax Rolls

**Note: This section applies to municipalities that levy property taxes.**

State law sets out very detailed procedures that general law municipalities must follow for property tax foreclosures. It also sets out specific duties for the clerk; the municipality may assign other parts of the process to the clerk as well. AS 29.45.330 - .500

Clerks in home rule municipalities should check their charter and local ordinances. For help on property tax delinquency issues, call the municipal attorney or the State assessor's office.



## APPENDICES

### SUPPLEMENTAL ITEMS

#### **Resource Directory**

#### **Chapter 1 Supplements**

IIMC Code of Ethics

#### **Chapter 2 Supplements**

AS 44.62.310-312 Government Meetings Public

Sample Open Meetings Act Guidelines

Sample Affidavit of Distribution

Sample Meeting Notice /Display Ad

Sample Regular Meeting Agenda

Basics of Robert's Rules of Order Guide

Sample Advisory Body Application

#### **Chapter 3 Supplements**

Sample Ordinance – Code

Sample Ordinance – Non-Code, Budget

Sample Ordinance – Non-Code

Sample Ordinance – Emergency

Sample Resolution

#### **Chapter 4 Supplements**

Municipality of Anchorage Code Chapter 3.95 Records Management

Sample Public Records Request Form

Municipality of Anchorage Code Chapter 3.90 Access to Public Records

#### **Chapter 5 Supplements**

Sample Election Calendar

Sample Notice of Election

Sample Notices of Candidacy and/or Offices to be Filled

Sample Notice of Voter Registration

Sample Declaration of Candidacy Form

#### **Chapter 6 Supplements**

Sample Public Feedback Form

Sample News Release

Sample Public Service Announcement

**Chapter 7 Supplements**

**Chapter 8 Supplements**

Sample Sales Tax License Application

Sample Sellers Monthly Return Form

**Chapter 9 Supplements**

## Resource Directory

Looking to find a Clerk from a similar size and class of municipality? Check the Alaska Municipal Officials Directory, available from the Alaska Municipal League.

### **Alaska Association of Municipal Clerks (AAMC)**

<http://www.alaskaclerks.org>

### **Alaska Municipal League (AML)**

<http://www.akml.org>

One Sealaska Plaza, Suite 200

Juneau, Alaska 99801

(907) 586-1325

Fax: (907) 463-5480

### **Alaska Department of Commerce, Community & Economic Development (DCCED)**

<http://www.commerce.state.ak.us>

Division of Community & Regional Affairs

550 West 7th Avenue, Suite 1650

Anchorage, Alaska 99501

(907) 269-4501 or (800) 770-8255

Fax: (907) 465-5661

For addresses and phone numbers of regional DCCED offices and other state offices, refer to the Alaska Directory of State Officials. You can get a copy of this directory from the Legislative Affairs Agency.

### **International Institute of Municipal Clerks (IIMC)**

<http://www.iimc.com>

8331 Utica Avenue, Suite 200

Rancho Cucamonga, CA 91730

(907) 944-4162 or (800) 251-1639

Fax: (909) 944-8545

### **State Archives and Records Center – Department of Education**

<http://www.archives.state.ak.us>

P.O. Box 110571

Andrew P. Kashevaroff (APK) Building

395 Whittier St.

Juneau, Alaska 99811-0571

(907) 465-2270

Fax: (907) 465-2465

### **Division of Elections – Lieutenant Governor's Office**

<https://ltgov.alaska.gov>

<https://www.elections.alaska.gov>

P.O. Box 110017

Juneau, Alaska 99811-0017

(907) 465-4611

Fax: (907) 465-3203

Check the Directory of State Officials for information on regional offices of the Division of Elections

**U.S. Department of Justice, Assistant Attorney General**

<https://www.justice.gov/crt>

Civil Rights Division

950 Pennsylvania Avenue, N.W.

Voting Section, NWB

Washington, DC 20530-0001

(202) 514-3847; TTY (202) 514-0716

**Alaska State Library**

<http://www.library.state.ak.us>

P.O. Box 110571

Juneau, Alaska 99811-0571

(907) 465-2920

Fax: (907) 465- 2151

Check the Directory of State Officials for information on regional coordinators

**Department of Law – Attorney General**

<http://www.law.state.ak.us>

1031 West 4th Avenue, Suite 200

Anchorage, AK 99501-1994

(907) 269-5100

Fax (907) 276-3697

**U.S. Dept. of Agriculture - Cooperative Extension Service**

<http://www.usda.gov>

Juneau District Office | Cooperative Extension Service

<https://www.uaf.edu/ces/districts/juneau>

1751 Tanana Loop, Room 101

Fairbanks, Alaska 99775-6180

(907) 474- 5211 or (877) 520-5211

Fax: (907) 474-2631

**Association of Records Managers and Administrators (ARMA)**

<http://www.arma.org>

ARMA International

312 SW Greenwich Drive, Ste. 515

Lee's Summit, MO 64082

(913) 444-9174 or (844) 565-2120

Fax: (913) 257-3855 or (866) 568-0328

**International City/County Management Association (ICMA)**

<http://www.icma.org>

777 North Capitol Street, NE, Suite 500

Washington, DC 20002-4201

(800) 745-8780 or (202) 962-3680

Fax: (202) 962-3500

**Alaska Municipal Management Association (AMMA)**

<http://alaskamanagers.org>

**Alaska Government Finance Officers Association (AGFOA)**

<https://agfoa.com>

**Alaska Municipal Attorneys' Association (AMMA)**

<https://www.akml.org/about/affiliates>

## **Chapter 1 Supplements**

IIMC Code of Ethics



# INTERNATIONAL INSTITUTE OF MUNICIPAL CLERKS

Professional, Personal

## Code of Ethics

*Believing in freedom throughout the World, allowing increased cooperation between public officials and other nationally and internationally, I*

*do hereby subscribe to the following principles and ethics which I affirm will govern my personal conduct as a member of IIMC:*

*To uphold constitutional government and the laws of my community;*

*To so conduct my public and private life as to be an example to my fellow citizens;*

*To impart to my profession those standards of quality and integrity that the conduct of the affairs of my office shall be above reproach and to merit public confidence in our community;*

*To be ever mindful of my neutrality and impartiality, rendering equal service to all and to extend the same treatment I wish to receive myself;*

*To record that which is true and preserve that which is entrusted to me as if it were my own; and*

*To strive constantly to improve the administration of the affairs of my office consistent with applicable laws and through sound management practices to produce continued progress and so fulfill my responsibilities to my community and others.*

*These things I, as a member of IIMC do pledge to do in the interest and purposes for which our government has been established.*

Attest:

*This certificate granted by the authority of the International Institute of Municipal Clerks.*

(member signature)

IIMC Executive Director

IIMC President

## **Chapter 2 Supplements**

AS 44.62.310-312 Government Meetings Public

Sample Open Meetings Act Guidelines

Sample Affidavit of Distribution

Sample Meeting Notice /Display Ad

Sample Regular Meeting Agenda

Basics of Robert's Rules of Order Guide

Sample Advisory Body Application



Sec. 44.62.310. Government meetings public.

(a) All meetings of a governmental body of a public entity of the state are open to the public except as otherwise provided by this section or another provision of law. Attendance and participation at meetings by members of the public or by members of a governmental body may be by teleconferencing. Agency materials that are to be considered at the meeting shall be made available at teleconference locations if practicable. Except when voice votes are authorized, the vote shall be conducted in such a manner that the public may know the vote of each person entitled to vote. The vote at a meeting held by teleconference shall be taken by roll call. This section does not apply to any votes required to be taken to organize a governmental body described in this subsection.

(b) If permitted subjects are to be discussed at a meeting in executive session, the meeting must first be convened as a public meeting and the question of holding an executive session to discuss matters that are listed in (c) of this section shall be determined by a majority vote of the governmental body. The motion to convene in executive session must clearly and with specificity describe the subject of the proposed executive session without defeating the purpose of addressing the subject in private. Subjects may not be considered at the executive session except those mentioned in the motion calling for the executive session unless auxiliary to the main question. Action may not be taken at an executive session, except to give direction to an attorney or labor negotiator regarding the handling of a specific legal matter or pending labor negotiations.

(c) The following subjects may be considered in an executive session:

(1) matters, the immediate knowledge of which would clearly have an adverse effect upon the finances of the public entity;

(2) subjects that tend to prejudice the reputation and character of any person, provided the person may request a public discussion;

(3) matters which by law, municipal charter, or ordinance are required to be confidential;

(4) matters involving consideration of government records that by law are not subject to public disclosure.

(d) This section does not apply to

(1) a governmental body performing a judicial or quasi-judicial function when holding a meeting solely to make a decision in an adjudicatory proceeding;

(2) juries;

(3) parole or pardon boards;

(4) meetings of a hospital medical staff;

(5) meetings of the governmental body or any committee of a hospital when holding a meeting solely to act upon matters of professional qualifications, privileges, or discipline;

(6) staff meetings or other gatherings of the employees of a public entity, including meetings of an employee group established by policy of the Board of Regents of the University of Alaska or held while acting in an advisory capacity to the Board of Regents;

(7) meetings held for the purpose of participating in or attending a gathering of a national, state, or regional organization of which the

public entity, governmental body, or member of the governmental body is a member, but only if no action is taken and no business of the governmental body is conducted at the meetings; or

(8) meetings of municipal service area boards established under AS 29.35.450 – 29.35.490 when meeting solely to act on matters that are administrative or managerial in nature.

(e) Reasonable public notice shall be given for all meetings required to be open under this section. The notice must include the date, time, and place of the meeting and if, the meeting is by teleconference, the location of any teleconferencing facilities that will be used. Subject to posting notice of a meeting on the Alaska Online Public Notice System as required by AS 44.62.175(a), the notice may be given using print or broadcast media. The notice shall be posted at the principal office of the public entity or, if the public entity has no principal office, at a place designated by the governmental body. The governmental body shall provide notice in a consistent fashion for all its meetings.

(f) Action taken contrary to this section is voidable. A lawsuit to void an action taken in violation of this section must be filed in superior court within 180 days after the date of the action. A member of a governmental body may not be named in an action to enforce this section in the member's personal capacity. A governmental body that violates or is alleged to have violated this section may cure the violation or alleged violation by holding another meeting in compliance with notice and other requirements of this section and conducting a substantial and public reconsideration of the matters considered at the original meeting. If the court finds that an action is void, the governmental body may discuss and act on the matter at another meeting held in compliance with this section. A court may hold that an action taken at a meeting held in violation of this section is void only if the court finds that, considering all of the circumstances, the public interest in compliance with this section outweighs the harm that would be caused to the public interest and to the public entity by voiding the action. In making this determination, the court shall consider at least the following:

(1) the expense that may be incurred by the public entity, other governmental bodies, and individuals if the action is voided;

(2) the disruption that may be caused to the affairs of the public entity, other governmental bodies, and individuals if the action is voided;

(3) the degree to which the public entity, other governmental bodies, and individuals may be exposed to additional litigation if the action is voided;

(4) the extent to which the governing body, in meetings held in compliance with this section, has previously considered the subject;

(5) the amount of time that has passed since the action was taken;

(6) the degree to which the public entity, other governmental bodies, or individuals have come to rely on the action;

(7) whether and to what extent the governmental body has, before or after the lawsuit was filed to void the action, engaged in or attempted to engage in the public reconsideration of matters originally considered in violation of this section;

(8) the degree to which violations of this section were wilful, flagrant, or obvious;

(9) the degree to which the governing body failed to adhere to the policy under [AS 44.62.312\(a\)](#).

(g) Subsection (f) of this section does not apply to a governmental body that has only authority to advise or make recommendations to a public entity and has no authority to establish policies or make decisions for the public entity.

(h) In this section,

(1) "governmental body" means an assembly, council, board, commission, committee, or other similar body of a public entity with the authority to establish policies or make decisions for the public entity or with the authority to advise or make recommendations to the public entity; "governmental body" includes the members of a subcommittee or other subordinate unit of a governmental body if the subordinate unit consists of two or more members;

(2) "meeting" means a gathering of members of a governmental body when

(A) more than three members or a majority of the members, whichever is less, are present, a matter upon which the governmental body is empowered to act is considered by the members collectively, and the governmental body has the authority to establish policies or make decisions for a public entity; or

(B) more than three members or a majority of the members, whichever is less, are present, the gathering is prearranged for the purpose of considering a matter upon which the governmental body is empowered to act, and the governmental body has only authority to advise or make recommendations for a public entity but has no authority to establish policies or make decisions for the public entity;

(3) "public entity" means an entity of the state or of a political subdivision of the state including an agency, a board or commission, the University of Alaska, a public authority or corporation, a municipality, a school district, and other governmental units of the state or a political subdivision of the state; it does not include the court system or the legislative branch of state government.

Sec. 44.62.312. State policy regarding meetings.

(a) It is the policy of the state that

(1) the governmental units mentioned in [AS 44.62.310\(a\)](#) exist to aid in the conduct of the people's business;

(2) it is the intent of the law that actions of those units be taken openly and that their deliberations be conducted openly;

(3) the people of this state do not yield their sovereignty to the agencies that serve them;

(4) the people, in delegating authority, do not give their public servants the right to decide what is good for the people to know and what is not good for them to know;

(5) the people's right to remain informed shall be protected so that they may retain control over the instruments they have created;

(6) the use of teleconferencing under this chapter is for the convenience of the parties, the public, and the governmental units conducting the meetings.

(b) AS 44.62.310(c) and (d) shall be construed narrowly in order to effectuate the policy stated in (a) of this section and to avoid exemptions from open meeting requirements and unnecessary executive sessions.



**THE STATE OF ALASKA**  
**MIKE DUNLEAVY**  
**GOVERNOR**

**Boards and Commissions**

Office of the Governor

550 W 7<sup>th</sup> Ave. Suite 1700  
Anchorage, Alaska 99501  
907-269-0006

**Open Meetings Act**

The State of Alaska's Open Meetings Act (AS 44.62.310-.312) requires that all meetings of a public entity's governing body be open to the public and that the body provide reasonable notice of its meetings. The Open Meetings Act (OMA) is intended to ensure that decisions made and actions taken are public knowledge and represent the will of the public that the governing body serves. In essence, the OMA protects the public's right to know.

To be able to protect the public's right to know, the OMA requires that:

- all deliberations and action taken by a public entity must be done in public view, with limited exceptions;
- the public must be provided prior knowledge of all steps occurring in the decision-making process, with limited exceptions; and that
- individual actions of an official are made known.

In order for these requirements to have full effect, meetings must occur as provided in the notice; and, with few exceptions, the public must be allowed to involve itself in the meeting. The public must also have access to materials being considered during the meeting.

In addition to laying out specific steps required for meetings and allowable exceptions, the statutes addressing open meetings speak about the state's policy regarding what authority the public has delegated to governing bodies. Following is a synopsis.

According to the 'State Policy Regarding Meetings' (AS 44.62.312):

- The government exists to aid in conducting the people's business.
- Government units should act and deliberate openly.
- The people do not yield sovereignty to government agencies that serve them.
- Public servants have not been given the right to decide what is good or not good for the people to know.
- People should remain informed so they may retain control over the government they created.
- The use of teleconferences is for the convenience of the parties, public, and government.
- The Open Meetings Act should be narrowly construed to effectuate these policies and avoid unnecessary exemptions.

**What is the Open Meetings Act?**

The State of Alaska's Open Meetings Act (AS 44.62.310-.312), is a law that addresses the meetings of public entities; it protects the public's right to know and their opportunity to be heard. Among other things, the Act:

- defines public meetings and public entities;
- lays out specific requirements for public notice;
- requires that all meetings of a governmental body of a public entity are open to the public;
- lays out provisions for attendance at meetings and voting methods;
- lays out provisions for distribution of meeting materials; and
- lists the few exceptions to the Act, as well as matters that may be discussed in executive session.

In order to assure that the public information/participation provisions of the Act are met, the Act requires that the public entity must provide "reasonable" notice that meets the requirements of the Act. To meet these notice requirements, the notice must:

- be provided within a reasonable amount of time prior to the meeting;
- include the date, time, and place of the meeting;
- be posted at the principal office of the public entity, in addition to any other methods and locations stated in local ordinance; and
- be done in the same way each time (consistent).

## What is the definition of a meeting that would fall under the provisions of the Open Meetings Act?

AS 44.62.310(h) provides detailed definitions of "governmental body," "meeting," and "public entity" that, when combined, define what constitutes a public meeting. The Act makes a distinction between what constitutes a meeting of a policy/decision-making body and what constitutes a meeting of an advisory-only body.

A meeting of a decision- or policy-making body occurs when more than three members, or a majority of the members, whichever is less, engage collectively in discussion of a *subject that the body is authorized to act and set policy on* and is therefore subject to the Open Meetings Act. Under this definition, it doesn't matter where the meeting occurs, if it was prearranged, or who arranged it and could include unplanned casual or social contact.

A meeting of an advisory-only body is a prearranged gathering to consider a matter on which the entity is *authorized to advise and assist the decision-making body* and is subject to the provisions of the Act. The Act doesn't specify a number, so two or more members, if the gathering is prearranged for the purpose of conducting any business of the entity, could constitute a meeting.

## What types of meetings might be conducted that would require notice under the Open Meetings Act?

Following are the most common types of meetings that would be subject to the Open Meetings Act:

**Regular Meetings:** State law requires that the governing body conduct its business at regularly scheduled meetings that are open to the public. Regular meetings must be held at least once a month and may be held more often, as required or established in local ordinance. The local code of ordinances should provide the date, time, and place of regular meetings so that everyone knows when regular meetings will take place. The public shouldn't have to wonder about the meeting time, date, and place always changing. If at times it is necessary to reschedule the regular meeting, notice must be posted informing the public that the regular meeting has been rescheduled and when it will be held.

**Special Meetings:** Special meetings have the same requirements as regular meetings, except that they are called for a different time than that fixed for regular meetings. For example, local ordinance may require that the governing body hold its regular meeting on the third Tuesday of each month at 7:00 PM at the municipal offices. If the governing body must meet earlier, it can call a special meeting for a different date. The special meeting does not take place instead of the regular meeting, it is in addition to the regular meeting. Special meetings should be held rarely and only to address time sensitive issues. A special meeting may be held with less than 24-hour's notice if all members are present or if absent members have waived in writing the required notice. Waiver of notice can be made before or after the special meeting is held.

**Emergency Meetings:** Emergency meetings are held to address situations that are so urgent that the governing body must meet right away. An emergency meeting may be held if a majority of the members are given at least 24 hours oral or written notice and reasonable efforts are made to notify all members.

**Committee Meetings:** Permanent ("standing") committees and temporary ("ad hoc") committees of the governing body may be formed to study particular issues in more detail. Standing committees may include the finance committee, public works committee, and/or a facilities committee. Ad hoc committees are formed to address a specific situation and are disbanded once the situation has been dealt with. Committees may be composed of all members of the governing body (referred to as a committee of the whole), or of fewer members, usually three. A committee cannot take action on behalf of the full governing body but instead makes a recommendation to the governing body for the governing body's action. Usually the committee of the whole meets to discuss items that are not ready for action but need further discussion in an informal setting. For example, the annual budget usually requires a work session before it is formally adopted.

**Board of Equalization:** The governing body, or its appointees, sits as the Board of Equalization in municipalities that levy a property tax. AS 29.45.200(a) states, "the governing body sits as a board of equalization for the purpose of hearing an appeal from a determination of the assessor." A property owner who believes the assessor has made a mistake in the yearly valuation of their property may appeal the assessor's decision to the board of adjustment, which meets once a year.

### **How much notice is required to meet the "reasonable" public notice provision of the Open Meetings Act?**

How much notice is required depends on the complexity of the issue and the potential effect it will have. Proper public notice must be provided in advance of the proposed action and local ordinances should state the minimum number of days that notice is required. This number should be adjusted up if the situation warrants additional notice. Special and emergency meetings require only 24-hour notice or less. If less notice is given, absent members must waive the notice requirement. Notice requirements for work sessions and committee meetings should follow the same guidelines as those established in local ordinance for regular meetings.

There are minimum mandatory notice requirements for certain actions, such as notice of a public hearing on a proposed ordinance, or election notice. There is, however, no specific number of days spelled out in statute that defines "reasonable." The general tone of case law on the subject has essentially found that reasonable notice provides enough notice that a concerned party will have notice of a proposed action within enough time to be involved in the deliberations. This could vary anywhere from three months to three days. The notice also has to provide enough information to let the public know what subjects will be covered in the meeting. If a complete agenda isn't available at the time of posting, a summary will work until the complete agenda is available.

Local ordinances should contain all of the requirements for public notice of meetings including what to include in the notice, where the notices are posted, and how soon before the meeting the notices are posted.

### **Where and how does notice have to occur?**

State law, AS 44.62.310(e), requires that reasonable notice include the date, time, and place of the meeting; and, if by teleconference, the location of any teleconferencing facilities. It also provides that notice may be given in print or broadcast media; that it be posted at the principal office of the public entity or, if no principle office, at a location designated by the governing body; and that it be done in the same way each time "consistent."

In addition to the locations required in statute, notice should be posted at well-used locations in the community like the post office, the store, government offices, and the community bulletin board. It may also be published in a newspaper of general circulation in the community or broadcast over a local radio station in addition to any other means and locations stated in local ordinance.

### **Are there exceptions to the Open Meetings Act and what subjects may be discussed in executive session?**

Exceptions to the OMA are discussed in the [Executive Session](#) section of LOGON.

### **Is secret ballot voting allowed under the act?**

Almost always, no. In addition to requiring that deliberations of a governing body be open to the public, the act also requires that the vote shall be conducted in such a manner that the public may know the vote of each person entitled to vote, including meetings conducted by teleconference. The one exception is organizational meetings of a governing body to elect members to various offices, which are exempted from the requirement that the vote of each member be made public (AS 44.62. 310(a)).

### **Is telephone polling considered a violation of the Open Meetings Act?**

Whether a phone poll by a member or agent of the governing body would be considered a violation of the act, depends on the subject matter. If the matter involves an administrative or procedural issue that would not warrant public discussion, a phone poll may be conducted. If, however, the phone poll touches on an issue that should be discussed in an open meeting or can have the effect of swaying opinion on a public issue, it could be considered a violation of the act.

### **Who enforces the Open Meetings Act?**

It is the responsibility of the administration and governing body to assure that the provisions of the Open Meetings Act are enforced. Any individual may contest an action administratively through local channels that they think was done in violation of the Open Meetings Act and ultimately may, within 180 days, file a court action if the issue isn't remedied locally AS 44.62.310(f).

There are several court cases that have ruled in favor of the Open Meetings Act. When deciding these cases, the court doesn't just consider whether a violation has occurred, but also considers whether the action has interfered with the public process that the act was intended to protect.



### **What is the cure for a violation of the Open Meetings Act?**

Actions taken at meetings that are found to be in violation of the Open Meetings Act may be voided. Failing to provide proper notice can cost a great deal of money to defend in addition to the wasted time and effort involved. The governing body can attempt an informal cure by holding another meeting in compliance with the Open Meetings Act and conducting a substantial and public reconsideration of the matters.

If a lawsuit is filed, the court may void any action taken by the governing body if the court finds that, considering all of the circumstances, the public interest in compliance with the law outweighs the harm that would be caused by voiding the action AS 44.62.310(f)).

In deciding whether to void an action, the court must consider:

- (1) the expense that may be incurred if the action is voided;
- (2) the disruption that may be caused if the action is voided;
- (3) the possibility of additional litigation if the action is voided;
- (4) the extent to which the subject has previously been considered in compliance with the act;
- (5) the amount of time that has passed since the action was taken;
- (6) the degree to which the action has come to be relied on;
- (7) whether and to what extent the governmental body has, before or after the lawsuit was filed, engaged in or attempted to engage in public reconsideration of the matter;
- (8) the degree to which the violations were willful, flagrant, or obvious;
- (9) the degree to which the governing body failed to adhere to the policy under AS 44.62.312 (a).

This does not apply to an advisory only body that that has no authority to establish policies and make decisions for the public entity (AS 44.62.310(g)).

### **What effect does attorney client privilege have in dealings between a public entity and its attorney?**

Executive session procedure requires that the reason for calling the executive session is clearly stated. The attorney-client privilege exemption to the Open Meetings Act is limited to matters where public interest may be injured. This might include how to avoid legal liability, litigation strategies and candid discussion of facts, a proposed settlement conference, and a conference on a decision to appeal.

### **In addition to the rights protected under the Open Meetings Act, what rights can the public expect under state law?**

In addition to the rights protected under the Open Meetings Act, Title 29 reiterates the requirement that all meetings be open to the public and provides that the public will have the right to be heard at regular and special meetings AS 29.20.020.

AS 29.20.160 lays out the procedures that a governing body must follow in conducting its meetings. These procedures include:

- Provision for identification of the presiding and deputy-presiding officers;
- The requirement that the governing body hold at least one regular monthly meeting, unless otherwise provided by ordinance;
- The requirement that the governing body shall provide at least 24-hour notice for special meetings or absent members must waive the notice requirement;
- Clarification on how actions of the governing body are adopted and what constitutes a quorum;
- The requirement that all members present shall vote on every question, unless required to abstain; and

The requirement that a governing body maintain a journal of its proceedings that is available to the public.

- AS 29.20.380 assigns certain meeting duties and responsibilities to the municipal clerk. These include:
  - Attendance at public meetings;
  - Keeping the journal;
  - Assuring that notice and other requirements for public meetings are complied with;
  - Assuring that public records are available for public inspection;
  - Managing and maintaining public records; and



- Preparing agendas and agenda packets.

- 

### **Who enforces the local rules under which a municipality conducts its meetings?**

Governing bodies must have procedures in place and follow them for their meetings. Some of these procedures are in Title 29 and other statutes. Others are in the local ordinances, which are usually more specific and detailed than Title 29, or in rules of procedure adopted by the governing body.

Essentially, the presiding officer enforces the rules by following them when conducting a meeting and, when there is a question of procedure, the clerk, acting as parliamentary advisor, researches the question and proposes an answer, which the presiding officer then rules on. Members of the public also enforce the rules by questioning whenever something occurs that doesn't seem to follow the rules. The last resort for enforcement is a lawsuit.

### **Additional Resources**

[Alaska's Open Meetings Law](#) by Gordon J Tans

[Open Meetings Act](#) AS 44.62.310-.312

**Sec. 44.62.310. Government meetings public.**

(a) All meetings of a governmental body of a public entity of the state are open to the public except as otherwise provided by this section or another provision of law. Attendance and participation at meetings by members of the public or by members of a governmental body may be by teleconferencing. Agency materials that are to be considered at the meeting shall be made available at teleconference locations if practicable. Except when voice votes are authorized, the vote shall be conducted in such a manner that the public may know the vote of each person entitled to vote. The vote at a meeting held by teleconference shall be taken by roll call. This section does not apply to any votes required to be taken to organize a governmental body described in this subsection.

(b) If permitted subjects are to be discussed at a meeting in executive session, the meeting must first be convened as a public meeting and the question of holding an executive session to discuss matters that are listed in (c) of this section shall be determined by a majority vote of the governmental body. The motion to convene in executive session must clearly and with specificity describe the subject of the proposed executive session without defeating the purpose of addressing the subject in private. Subjects may not be considered at the executive session except those mentioned in the motion calling for the executive session unless auxiliary to the main question. Action may not be taken at an executive session, except to give direction to an attorney or labor negotiator regarding the handling of a specific legal matter or pending labor negotiations.

(c) The following subjects may be considered in an executive session:

(1) matters, the immediate knowledge of which would clearly have an adverse effect upon the finances of the public entity;

(2) subjects that tend to prejudice the reputation and character of any person, provided the person may request a public discussion;

(3) matters which by law, municipal charter, or ordinance are required to be confidential;

(4) matters involving consideration of government records that by law are not subject to public disclosure.

(d) This section does not apply to

(1) a governmental body performing a judicial or quasi-judicial function when holding a meeting solely to make a decision in an adjudicatory proceeding;

(2) juries;

(3) parole or pardon boards;

(4) meetings of a hospital medical staff;

(5) meetings of the governmental body or any committee of a hospital when holding a meeting solely to act upon matters of professional qualifications, privileges, or discipline;

(6) staff meetings or other gatherings of the employees of a public entity, including meetings of an employee group established by policy of the Board of Regents of the University of Alaska or held while acting in an advisory capacity to the Board of Regents;

(7) meetings held for the purpose of participating in or attending a gathering of a national, state, or regional organization of which the public entity, governmental body, or member of the governmental body is a member, but only if no action is taken and no business of the governmental body is conducted at the meetings; or

(8) meetings of municipal service area boards established under AS 29.35.450 — 29.35.490 when meeting solely to act on matters that are administrative or managerial in nature.

(e) Reasonable public notice shall be given for all meetings required to be open under this section. The notice must include the date, time, and place of the meeting and if, the meeting is by teleconference, the location of any teleconferencing facilities that will be used. Subject to posting notice of a meeting on the Alaska Online Public Notice

System as required by AS 44.62.175(a), the notice may be given using print or broadcast media. The notice shall be posted at the principal office of the public entity or, if the public entity has no principal office, at a place designated by the governmental body. The governmental body shall provide notice in a consistent fashion for all its meetings.

(f) Action taken contrary to this section is voidable. A lawsuit to void an action taken in violation of this section must be filed in superior court within 180 days after the date of the action. A member of a governmental body may not be named in an action to enforce this section in the member's personal capacity. A governmental body that violates or is alleged to have violated this section may cure the violation or alleged violation by holding another meeting in compliance with notice and other requirements of this section and conducting a substantial and public reconsideration of the matters considered at the original meeting. If the court finds that an action is void, the governmental body may discuss and act on the matter at another meeting held in compliance with this section. A court may hold that an action taken at a meeting held in violation of this section is void only if the court finds that, considering all of the circumstances, the public interest in compliance with this section outweighs the harm that would be caused to the public interest and to the public entity by voiding the action. In making this determination, the court shall consider at least the following:

(1) the expense that may be incurred by the public entity, other governmental bodies, and individuals if the action is voided;

(2) the disruption that may be caused to the affairs of the public entity, other governmental bodies, and individuals if the action is voided;

(3) the degree to which the public entity, other governmental bodies, and individuals may be exposed to additional litigation if the action is voided;

(4) the extent to which the governing body, in meetings held in compliance with this section, has previously considered the subject;

(5) the amount of time that has passed since the action was taken;

(6) the degree to which the public entity, other governmental bodies, or individuals have come to rely on the action;

(7) whether and to what extent the governmental body has, before or after the lawsuit was filed to void the action, engaged in or attempted to engage in the public reconsideration of matters originally considered in violation of this section;

(8) the degree to which violations of this section were wilful, flagrant, or obvious;

(9) the degree to which the governing body failed to adhere to the policy under AS 44.62.312(a).

(g) Subsection (f) of this section does not apply to a governmental body that has only authority to advise or make recommendations to a public entity and has no authority to establish policies or make decisions for the public entity.

(h) In this section,

(1) "governmental body" means an assembly, council, board, commission, committee, or other similar body of a public entity with the authority to establish policies or make decisions for the public entity or with the authority to advise or make recommendations to the public entity; "governmental body" includes the members of a subcommittee or other subordinate unit of a governmental body if the subordinate unit consists of two or more members;

(2) "meeting" means a gathering of members of a governmental body when

(A) more than three members or a majority of the members, whichever is less, are present, a matter upon which the governmental body is empowered to act is considered by the members collectively, and the governmental body has the authority to establish policies or make decisions for a public entity; or

(B) more than three members or a majority of the members, whichever is less, are present, the gathering is prearranged for the purpose of considering a matter upon which the governmental body is empowered to act, and the governmental body has only authority to advise or make recommendations for a public entity but has no authority to

establish policies or make decisions for the public entity;

(3) “public entity” means an entity of the state or of a political subdivision of the state including an agency, a board or commission, the University of Alaska, a public authority or corporation, a municipality, a school district, and other governmental units of the state or a political subdivision of the state; it does not include the court system or the legislative branch of state government.

**Sec. 44.62.312. State policy regarding meetings.**

(a) It is the policy of the state that

(1) the governmental units mentioned in AS 44.62.310(a) exist to aid in the conduct of the people’s business;

(2) it is the intent of the law that actions of those units be taken openly and that their deliberations be conducted openly;

(3) the people of this state do not yield their sovereignty to the agencies that serve them;

(4) the people, in delegating authority, do not give their public servants the right to decide what is good for the people to know and what is not good for them to know;

(5) the people’s right to remain informed shall be protected so that they may retain control over the instruments they have created;

(6) the use of teleconferencing under this chapter is for the convenience of the parties, the public, and the governmental units conducting the meetings.

(b) AS 44.62.310(c) and (d) shall be construed narrowly in order to effectuate the policy stated in (a) of this section and to avoid exemptions from open meeting requirements and unnecessary executive sessions.

## CLERK'S AFFIDAVIT OF POSTING

I, Melissa Jacobsen, City Clerk for the City of Homer, Alaska, do hereby certify that a copy of the Public Hearing Notice for:

**A request for Conditional Use Permit (CUP) 21-02 to build one triplex and two duplexes totaling seven one-bedroom units at 89 Sterling Highway, Lot 2 Glacier View Subdiv. No. 18, Sec. 20, T. 6 S., R. 13 W., S.M. HM 0850128. A CUP is required for more than one building containing a permitted principal use on a lot, according to HCC 21.18.030(j).**

was posted at City Hall and submitted to the Homer Public Library for posting on March 8, 2021 and posted on the City website on March 8, 2021.

IN TESTIMONY WHEREOF, I have hereunto set my hand and seal of said City of Homer this 8th day of March 2021.



Melissa Jacobsen, MMC, City Clerk



Please include City Logo

**CITY OF HOMER  
PUBLIC NOTICE OF MEETINGS  
OR ANNOUNCEMENTS**

**CITY COUNCIL**

Monday, April 26<sup>th</sup>:

Committee of the Whole 5:00 p.m.  
Regular Meeting 6:00 p.m.

**PORT & HARBOR ADVISORY COMMISSION**

Wednesday, April 28<sup>th</sup>:

Regular Meeting 5:00 p.m.

**PARKS ART RECREATION & CULTURE ADVISORY COMMISSION**

Wednesday, April 28<sup>th</sup>:

Worksession 3:30 p.m.  
*Beach/Park walk thru meet at Jack Gist  
Park*

**PUBLIC WORKS CAMPUS TASK FORCE**

Wednesday, April 28<sup>th</sup>:

Regular Meeting 4:30 p.m.

All City Meetings are being conducted virtually by Zoom webinar. Meeting ID and Password can be found on the City Website

There are seats open on the Planning Commission, Library Advisory Board, Economic Development Advisory Commission and ADA Compliance Committee. Applications are available on the City website.

Melissa Jacobsen, MMC, City Clerk  
Ad #21-032 Publish 042221



## Everywhere City Hall

123 Avenue  
Everywhere, Alaska 99999  
[www.everywhere-ak.gov](http://www.everywhere-ak.gov)

# City of Everywhere Agenda

## City Council Regular Meeting

Monday, March XX, 20XX at 6:00 PM

City Hall Council Chambers via Zoom Webinar

Dial: +1 669 900 6833 or +1 253 215 8782 or Toll Free 877 853 5247 or 888 788 0099

Webinar ID: 205 093 973 Password: 610853

### CALL TO ORDER, PLEDGE OF ALLEGIANCE

Councilmember Evensen requests excusal.

**AGENDA APPROVAL** (Only those matters on the noticed agenda may be considered, pursuant to City Council's Operating Manual, pg. 6)

### MAYORAL PROCLAMATIONS AND RECOGNITIONS

- a. Mayor's Recognition of Nona Safra
- b. Mayor's Recognition of Daisy Kettle

### PUBLIC COMMENT ON MATTERS ALREADY ON THE AGENDA

### RECONSIDERATION

**CONSENT AGENDA** (Items listed below will be enacted by one motion. If a separate discussion is desired on an item, that item may be removed from the Consent Agenda and placed on the Regular Meeting Agenda at the request of a Councilmember.)

- a. Everywhere City Council Regular Meeting Minutes of February 22, 20XX. City Clerk. Recommend adoption.
- b. Memorandum 2X-041 from Mayor Castner Re: Re-Appointment of Robert Archibald to the Prince William Sound Regional Citizens Advisory Council. Recommend approval.
- c. Resolution 2X-019, A Resolution of the City Council of Everywhere, Alaska Extending the City of Everywhere Disaster Declaration to June 29, 20XX Due to the Current and Expected Impacts of the COVID-19 Novel Coronavirus Pandemic. Mayor. Recommend adoption.

### VISITORS

- a. Kachemak Bay Science Conference, March 15-18 - Syverine Bentz and Beth Trowbridge (10 minutes)

- b. Unified Command Report (20 minutes)

**ANNOUNCEMENTS / PRESENTATIONS / REPORTS** (5 Minute limit per report)

- a. Committee of the Whole Report
- b. Mayor's Report
- c. Borough Report
- d. Library Advisory Board
- e. Planning Commission
  - i. Planning Commission Written Report
- f. Port and Harbor Advisory Commission
- g. Public Works Building Campus Task Force

**PUBLIC HEARING(S)**

- a. Ordinance 2X-08, An Ordinance of the City Council of Everywhere, Alaska Amending the 20XX Capital Budget and Authorizing Additional Expenditure of \$113,353.33 from the HART-Road Fund for the Woodard Creek Rehabilitation Project. City Manager/Public Works Director. Introduction February 22, 20XX Public Hearing and Second Reading March 8, 20XX

Ordinance 2X-08(S), An Ordinance of the City Council of Everywhere, Alaska Amending the 20XX Capital Budget and Authorizing Additional Expenditure of up to ~~\$113,353.33~~ **\$463,353.33** from the HART-Road Fund for the Woodard Creek Rehabilitation Project. City Manager/Public Works Director.

Memorandum 2X-030 from Public Works Director as backup

- b. Ordinance 2X-09, An Ordinance of the City Council of Everywhere, Alaska, Amending the 20XX Capital Budget and Authorizing Expenditure of up to \$65,000 from the Police Fleet CARMA Account to Purchase and Outfit a Patrol Vehicle. City Manager/Police Chief. Introduction February 22, 20XX Public Hearing and Second Reading March 8, 20XX

Memorandum 2X-031 from Police Chief as backup

- c. Ordinance 2X-10, An Ordinance of the City Council of Everywhere, Alaska, Amending the 20XX Capital Budget and Authorizing Expenditure of an Additional \$17,148 from the Sewer Reserve Fund to Complete the Retrofit of High Energy Lights Fixtures at the Sewer Treatment Campus. City Manager/Public Works Director. Introduction February 22, 20XX Public Hearing and Second Reading March 8, 20XX

Memorandum 2X-032 from Public Works Director as backup



## **ORDINANCE(S)**

### **CITY MANAGER'S REPORT**

- a. City Manager's Report

### **PENDING BUSINESS**

- a. Resolution 2X-077(S), A Resolution of the City Council of Everywhere, Alaska Adopting a Reserve Fund Policy for the Collection and Use of Water and Sewer ~~Depreciation Reserve Funds~~ Capital Asset Repair And Maintenance Allowance Fund . Lord/Aderhold. (Postponed from December 14, 2020)

Memorandum 2X-042 from Public Works Director as backup

Memorandum 20-205 from Public Works Director as backup

Memorandum 20-165 from Finance Director as backup

### **NEW BUSINESS**

### **RESOLUTIONS**

### **COMMENTS OF THE AUDIENCE**

### **COMMENTS OF THE CITY ATTORNEY**

### **COMMENTS OF THE CITY CLERK**

### **COMMENTS OF THE CITY MANAGER**

### **COMMENTS OF THE MAYOR**

### **COMMENTS OF THE CITY COUNCIL**

### **ADJOURNMENT**

Next Regular Meeting is Monday, March 22, 20XX at 6:00 p.m., Committee of the Whole at 5:00 p.m. A Special Meeting is scheduled on March 9, 20XX at 5:30 and a worksession is on March 15, 20XX at 4:00 p.m. All meetings scheduled to be held in the City Hall Council Chambers located at 999 Avenue, Everywhere, Alaska, held via Zoom.

# **THE BASICS OF ROBERT'S RULES OF ORDER**



City Officials Guide to an  
Effective Meeting

## **City Officials Guide to an Effective Meeting Basics of Robert's Rules**

### **General Order of Meetings**

1. Call to Order
2. Approval of Minutes
3. Officers, Boards and Standing Committee Reports
4. Unfinished (Old) Business
5. New Business
6. Adjournment

### **Procedure to Make a Motion**

1. Member raises hand and waits for recognition from the presiding officer.
2. The member states the motion. e.g. "I move that we paint city hall."
3. Another member must second the motion to continue.
4. The presiding officer states the motion. (This puts the motion on the floor.)
5. Presiding officer calls for discussion on this motion.  
The member who introduced the motion has the right to speak first. Members wishing to discuss the motion raise their hands and wait for recognition from the presiding officer before speaking, enabling everyone to share their opinions.
6. Presiding officer calls for a vote on the motion.
7. Presiding officer states results of vote and resulting action.

### **Procedure to Amend a Motion**

During discussion, it may become apparent that an amendment (modification) to the original motion is necessary. Anyone may request to amend the original motion, but the proposed amendment must be related to the subject of the main motion.

1. Member raises hand and is recognized from the presiding officer.
2. Member states the amendment. e.g. "I move that we paint city hall with funding received from grants."
3. Amendment must be seconded.
4. Presiding officer states the amendment.
4. Presiding officer calls for discussion on the amendment.
5. Presiding officer calls for a vote on the amendment, and announces result.

If the amendment passes, the motion on the floor is now the amended motion. If the amendment fails, the original motion remains on the floor.

A "friendly amendment" is often used to describe an amendment offered by a member who agreed with the main motion, but believes that the amendment will improve the statement or effect of the main motion, or will increase the chances of the main motion's adoption.

1. Member raises hand and is recognized from the presiding officer.
2. Member states they would like to "offer a friendly amendment to the motion; I move to amend the motion, that we paint city hall red with funding from grants."
3. Amendment is seconded.
4. Presiding officer states the friendly amendment.

5. Presiding officer call for discussion on the friendly amendment.
6. Presiding officer calls for a vote on the amendment and announces result.

### **Motion to Postpone**

A member may move to delay action (voting) on a motion to a certain time, usually the next meeting. A postponed motion is considered unfinished business and automatically comes up for further consideration at the next meeting (or designated date).

1. A member makes a motion to postpone the motion to another date (usually the next meeting).
2. Motion must be seconded.
3. Presiding officer states motion.
4. Presiding officer calls for discussion.
5. Motion is amendable and debatable.
6. Presiding officer calls for a vote, and states result of the vote and action taken.

### **Motion to Suspend the Rules**

Used if the Commission/Committee wishes to do something during a meeting that it cannot do without violating one or more of its regular rules. Commonly used to address agenda items out of order after the agenda has been approved or allowing an unscheduled visitor to address the assembly.

1. Can be made any time that no question is pending.
2. A member makes a motion; "I move to suspend the rules to hear New Business, Item C. before New Business, Item A."
3. Is out of order when another has the floor.
4. Motion must be seconded.
5. Motion is not debatable or amendable.
6. Motion must have two-thirds majority approval.
7. Presiding officer calls for a vote, and states the result of the vote and the action taken.

### **Motion for Point of Order**

Used when a member thinks the rules are being violated or more commonly when discussion does not pertain to the topic of the motion on the floor.

1. Does not have to be recognized by the presiding officer.
2. Does not need to be seconded.
3. Is not debatable. The presiding officer may allow explanation.
4. Is not amendable.
5. Is ruled on by the presiding officer. The presiding officer may seek the advice of the Clerk or more senior members present.
6. Cannot be reconsidered.

### **Motion for Reconsideration**

Used to bring a motion back before the Commission/Committee for further consideration.

1. Can be made by a member who voted with the prevailing side (aye if the motion was adopted/no if the motion was lost.)
2. Motion must be seconded.
3. Motion cannot be amended.
4. Only the merits of the reconsideration are debatable.
5. Requires a two-thirds vote to adopt a motion to reconsider.
6. Presiding officer states the result of the vote and the action taken.

### **Call for the Question**

Used to immediately close discussion and the making of subsidiary motions except the motion to "Lay on the Table." Commonly used to bring an immediate vote on one or more pending questions.

1. Takes precedence over all debatable or amendable motions to which it is applied.
2. Yields only to the subsidiary motion to lay on the Table, privileged motions and all applicable incidental motions.
3. Must be seconded.
4. Is out of order when another has the floor.
5. Is not debatable or amendable.
6. Requires a two-thirds vote to adopt a call for the question.
7. Cannot be reconsidered.

### **Lay on the Table**

Used to enable the Commission/Committee to lay the pending question aside temporarily when something else of immediate urgency has arisen. Commonly misused to stop discussion on a motion, with the intent to "kill" or avoid dealing with a measure.

1. Takes precedence over all subsidiary motions and pending incidental motions when made.
2. Cannot be applied to main motions.
3. Is out of order when another has the floor.
4. Must be seconded.
5. Is not debatable or amendable. The presiding officer can ask the maker his/her reasons.
6. Requires a majority vote.
7. Cannot be reconsidered.

### **Meeting Minutes**

1. Minutes are a record of what was done at the meeting, not what was said.
2. Meeting minutes are not verbatim transcripts.
3. Amendments that will change the substance of the minutes should be addressed on the record.
4. Approval of the minutes is not a time to correct typographical errors. If necessary, those may be provided directly to the recording clerk prior to or at the meeting.

## **Types of Meetings**

A Regular Meeting refers to the regularly scheduled meetings as established by the bylaws for the particular commission/committee/board. These are scheduled for the upcoming calendar year by resolution every December. During a regular meeting the procedures as outlined under the General Order of Meetings is followed.

Special Meetings are held when a single business item or two are to be addressed; the day or meeting time is changed from the regular schedule established in the bylaws; or the commission/committee feels that additional meetings are required to address items on the agenda responsibly. Special meetings follow the same procedures as outlined under the General Order of Meetings with the exception that minutes are not approved.

Executive Session is a portion of a meeting at which the proceedings are withheld from the public. This type of meeting is normally used to handle matters relating to discipline or finances. The members adjourn to another location within City Hall (usually the conference room adjacent to the Mayor's office.) After dealing with the business at hand the members will return to the main meeting place and resume the public portion of the regular or special meeting.

## **Types of Motions**

Original or Incidental main motions are used to introduce business.

Original Main motion is a main motion that introduces a substantive question as a new subject. This is the most commonly used motion. (e.g. I move that the Club contribute \$50 to the centennial celebration")

Incidental Main motion is a main motion (Point of Order, Suspend the Rules) that relates to the business of the Commission/Committee, or its past or future action. (e.g. I move to take a recess.)

1. Takes precedence of nothing. Cannot be made when a question is pending.
2. Can be applied to no other motion.
3. Is out of order when another has the floor.
4. Must be seconded.
5. Is debatable and amendable.
6. Requires a majority vote.
7. Can be reconsidered.

Subsidiary motions (Amend, Postpone) can be applied to the main motion to modify, delay action or dispose of the main motion. These motions are commonly made while the main motion is open for debate. Once made these motions must be voted on before the main motion.

Privileged motions (Recess, Adjourn) do not relate to pending business but deal with special matters of immediate and overriding importance. These motions are allowed to interrupt the consideration of anything else.

## **Role of the Officers**

### **Chairperson**

The member chosen for this position is selected principally for the ability to preside. They should be familiar with the bylaws of the commission/committee. As Chairperson the member selected has to use diplomacy, tact and common sense during a meeting. The duties of the chairperson are as follows:

1. To open the meeting at the appointed time.
2. Ascertain a quorum is present.
3. Announce in proper sequence the business before the commission/committee.
4. Recognize members who are entitled to the floor.
5. To state and put to vote all questions that legitimately come before the commission/committee and announces the results.
6. To protect the commission/committee from frivolous motions by refusing to recognize them.
7. To expedite business in every way compatible with the rights of members.
8. To enforce the rules relating to debate and to order and decorum within the commission/committee.
9. To respond to inquiries relating to parliamentary procedures.
10. To decide all questions of order subject to appeal.
11. To declare the meeting adjourned.

The Chairperson should have a copy of the bylaws in case they are needed for reference.

### **Vice Chairperson**

The Vice Chairperson is chosen to preside over a meeting when the Chairperson is not present, or it is necessary for them to vacate the chair. The duties of the Vice Chairperson are the same as shown above for the Chairperson when assuming that role.

In most commissions/committees if the Chairperson and Vice Chairperson are not present or have disqualified themselves in some manner and there is still a quorum the most senior member of the commission/committee/board fills in as Acting Chairperson.

It is recommended to familiarize yourself with parliamentary procedures and terminology. When each member has understanding of these procedures the result is productive meetings.



# Advisory Body Application For Appointment to Committees, Commissions, Board & Task Forces

**Office of the City Clerk**

491 East Pioneer Avenue

Homer, Alaska 99603

[clerk@cityofhomer-ak.gov](mailto:clerk@cityofhomer-ak.gov)

Phone: (907) 235-3130

Fax: (907) 235-3143

The Information provided on this form will provide the basic information to the Mayor and City Council on your interest in serving on the selected Advisory Body. It is considered public and will be included in the City Council meeting packet. This information will be published in the City Directory and within city web pages if you are appointed by the Mayor and your appointment is confirmed by the City Council.

## Applicant Information

Full Name: \_\_\_\_\_

Physical Address Where you Claim Residency: \_\_\_\_\_

Mailing Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Phone Number(s): \_\_\_\_\_

Email: \_\_\_\_\_

## Advisory Body You Are Requesting Appointment To

**Planning Commission** – Held on the first and third Wednesday of each month at 6:30 p.m. and Worksessions at 5:30 p.m. prior to each meeting. There is no first Regular Meeting in July or second Regular Meetings in November and December

**Parks, Art, Recreation & Culture Advisory Commission** – Held on the third Thursday February through June and August through November at 5:30 p.m.

**Port & Harbor Advisory Commission** – Held on the fourth Wednesday of the following months: January, February, March, April, September, October, and December at 5:00 p.m.; and May, June, July, and August at 6:00 p.m.

**Economic Development Advisory Commission** – Held on the second Tuesday of each month at 6:00 p.m.

**Library Advisory Board** – Held on the first Tuesday of the following months: February, March, April, May, August, September, October, November, and December at 5:30 p.m.

**Other** – Please Indicate \_\_\_\_\_

## Please Answer the Following

Are you a City Resident?  Yes  No If yes, how long have you been a City resident? \_\_\_\_\_

How long have you been a resident of the South Peninsula Area? \_\_\_\_\_



**Background Information**

Have you ever served on a similar advisory body? If so please list when, where, and how long:

Please list any current memberships or organizations you belong to related to your selection(s):

Please list any special training, education, or background you may have which is related to your selection(s):

Why are you interested in serving on the selected Advisory Body? This may include information on future goals or projects you wish to see accomplished or any additional information that may assist the Mayor in the decision making process. You may attach an additional page if needed.

**FOR PLANNING COMMISSION ONLY:**

Have you ever developed real property other than a personal residence? If yes, briefly explain:

**FOR PORT & HARBOR ADVISORY COMMISSION ONLY:**

Do you use the Homer Port and/or Harbor on a regular basis?  Yes  No

If yes, what is your primary use?  Commercial  Recreational  Other: \_\_\_\_\_

## **Chapter 3 Supplements**

Sample Ordinance – Code

Sample Ordinance – Non-Code, Budget

Sample Ordinance – Non-Code

Sample Ordinance – Emergency

Sample Resolution

**SAMPLE ORDINANCE  
CODE**

Proposed by:	_____
Attorney Review:	_____
First Reading:	_____
Second Reading:	_____
Vote: __ Aye	__ Nay __ Absent

**MUNICIPALITY OF ANYWHERE, ALASKA  
ORDINANCE 21-XX**

AN ORDINANCE OF THE MUNICIPALITY OF ANYWHERE, ALASKA  
AMENDING AMC SECTION 3.12.070 MEETINGS TO CLARIFY  
MEETING REQUIREMENTS OF THE LIBRARY BOARD.

NOW THEREFORE BE IT ORDAINED AND ENACTED BY THE MUNICIPALITY OF ANYWHERE,  
ALASKA AS FOLLOWS:

Section 1. Classification. Section 3 of this ordinance is of a general and permanent nature and shall become a part of the Anywhere Municipal Code.

Section 2. Purpose. To amend AMC Section 3.12.070 Meetings to clarify meeting requirements of the Library Board.

Section 3. Amendment. The Anywhere Municipal Code is hereby amended; (~~strike through~~) indicates text to be deleted from and (**bold underscore**) indicates text added to the current code. AMC Section 3.12.070 Meetings is hereby amended as follows:

3.12.070 Meetings. The board shall meet annually, **at a date and location in Anywhere to be determined by the board** ~~during the first week in January~~. Additional meetings may be called at the discretion of the chair, or shall be called at the request of three (3) members.

Section 4. Severability. If any provision of this ordinance or any application thereof to any person or circumstance is held invalid, the remainder of this ordinance and the application to other persons or circumstances shall not be affected thereby.

Section 5. Effective Date. This ordinance shall become effective immediately upon adoption.

PASSED AND APPROVED by a duly constituted quorum of the Borough Assembly of the Municipality of Anywhere this \_\_ day of \_\_\_\_\_, 2021.

\_\_\_\_\_  
[Name], Mayor

ATTEST:

\_\_\_\_\_  
[Name] Borough Clerk

[SEAL]

**SAMPLE ORDINANCE  
NON-CODE, BUDGET**

Proposed by:	_____
Attorney Review:	_____
First Reading:	_____
Second Reading:	_____
Vote: <input type="checkbox"/> Aye	<input type="checkbox"/> Nay <input type="checkbox"/> Absent

**MUNICIPALITY OF ANYWHERE, ALASKA  
ORDINANCE 21-XX**

AN ORDINANCE OF THE MUNICIPALITY OF ANYWHERE, ALASKA AMENDING THE FY21 CAPITAL PROJECTS FUND AND EXCISE TAX FUND BUDGETS TO FUND THE COST OF PHASES 2A AND 2B OF THE PORT MASTER PLAN PROJECT.

WHEREAS, pursuant to Ordinance No. 11-01, as ratified by the Municipality’s voters on May 10, 2011, the Anywhere Borough Assembly authorized general obligation bonds in a principal amount not to exceed \$5,000,000 to fund capital improvements to the Port of Anywhere; and

WHEREAS, pursuant to Resolution No. 15-15R, the Anywhere Borough Assembly authorized the issuance of general obligation bonds for these purposes; and

WHEREAS, the Municipality of Anywhere wishes to utilize the general obligation bonds to fund the Port Master Plan as follows: Phase 2A, Shoreline Park restroom facility; and Phase 2B, utilities extension to ferry peninsula and Small Boat Harbor areas; and

WHEREAS, in order to expend the funds for these projects, the Municipality must add the general obligation bond revenue and project expenses to the FY21 budget;

NOW THEREFORE, BE IT ORDAINED AND ENACTED BY THE MUNICIPALITY OF ANYWHERE, ALASKA AS FOLLOWS:

Section 1. Classification. This is a non-code ordinance.

Section 2. Purpose. To amend the FY21 Capital Projects Fund and Excise Tax Fund Budgets to fund the cost of Phases 2A and 2B of the Port Master Plan project.

Section 3. Amendment. The FY21 Municipality of Anywhere Budget is hereby amended as follows:

FUND	AMOUNT	FROM	TO
<b>CAPITAL PROJECTS FUND</b>			
Transfer from Excise Tax	(247,500)	1,662,700	1,415,200
<b>Total Revenue &amp; Transfers In</b>	<b>(247,500)</b>	<b>7,745,800</b>	<b>7,498,300</b>
Port Green Space Restroom construction	(247,500)	247,500	-
Port Bathroom Design & Construction	2,247,500	-	2,247,500
Port Utilities- Phase II (harbor & ferry peninsula)	2,752,500	-	2,752,500
<b>Total Expense &amp; Transfers Out</b>	<b>4,752,500</b>	<b>7,745,800</b>	<b>12,498,300</b>

	surplus/(deficit)		-	(5,000,000)
<b>CPV EXCISE TAX FUND</b>				
State CPV Excise Tax Shared Revenues	(247,500)	7,254,191	7,006,691	
<b>Total Revenue &amp; Transfers In</b>	<b>(247,500)</b>	<b>7,254,191</b>	<b>7,006,691</b>	
Transfer to Capital Projects	(247,500)	1,671,000	1,423,500	
<b>Total Expense &amp; Transfers Out</b>	<b>(247,500)</b>	<b>7,340,191</b>	<b>7,092,691</b>	
	surplus/(deficit)		(86,000)	(86,000)

Section 4. Effective Date. This ordinance shall become effective immediately upon adoption.

PASSED AND APPROVED by a duly constituted quorum of the Borough Assembly of the Municipality of Anywhere this \_\_ day of \_\_\_\_\_, 2021.

\_\_\_\_\_  
 [Name], Mayor

ATTEST:

\_\_\_\_\_  
 [Name] Borough Clerk

[SEAL]

Proposed by:	_____
Attorney Review:	_____
First Reading:	_____
Second Reading:	_____
Vote: __ Aye	__ Nay __ Absent

**MUNICIPALITY OF ANYWHERE, ALASKA  
ORDINANCE 21-XX**

AN ORDINANCE OF THE MUNICIPALITY OF ANYWHERE, ALASKA  
ADOPTING THE 2030 ANYWHERE COMPREHENSIVE PLAN DATED  
FEBRUARY 2020 AND REPEALING THE 2020 ANYWHERE  
COMPREHENSIVE PLAN DATED JANUARY 2009.

WHEREAS, the Municipality of Anywhere wishes to update its Comprehensive Planning and 20-25 year “vision” for the community’s future; and

WHEREAS, the Municipality of Anywhere wishes to promote land use, economic development, transportation, utilities, housing, recreation, services, and facilities that are in the best interest of the community; and

WHEREAS, the Municipality of Anywhere desires to establish goals, objectives, actions and future growth maps to serve as a guide for future growth, zoning, permitting, and investment decisions in the Borough; and

WHEREAS, the Municipality of Anywhere followed an extensive public process to prepare this comprehensive plan, which included:

- The Anywhere 2030 Comprehensive Plan website was established to provide an easy one-stop site to follow the process, download packets and meeting summaries, and to join the e-contact list;
- Approximately 125 individuals joined the project e-contact list to receive regular project updates;
- Comprehensive Plan meeting notices, links to download agendas and packets, and get reports were posted on the Anywhere 2030 Comprehensive Plan Facebook page, and each post got between 25 and 1,040 views;
- The Planning and Zoning Commission held 13 meetings and work sessions as part of plan development, and most meetings were attended by 30 to 35 residents;
- An online survey was sent to municipal department heads, the Assembly, all appointed municipal committee members, the Anywhere Traditional Council and staff, and the Anywhere Development Corporation board and staff, which identified key issues to address during Comprehensive Plan development;
- The Anywhere 2030 Comprehensive Plan had a table at the April 2019 Health Fair with a number of planning-related activities and questions that up to 76 residents completed;

- A Community Open House was held in October 2019 at the Elks Club burger feed, and over 40 residents voted for top priority actions on eight Comprehensive Plan topics;
- A public hearing on the draft Comprehensive Plan (and Action Plan) was held on December 23, 2019;
- At its special meeting of January 23, 2020, the Planning and Zoning Commission voted to approve the Anywhere 2030 Comprehensive Plan and recommend its adoption to the Borough Assembly.

NOW THEREFORE BE IT ORDAINED AND ENACTED BY THE MUNICIPALITY OF ANYWHERE, ALASKA:

Section 1. Classification. This is a non-code ordinance.

Section 2. Purpose. The 2030 Anywhere Comprehensive Plan will provide policy guidance for municipal land use, zoning, platting, and other applicable regulatory matters within the Municipality and for the community and Borough as a whole.

Section 3. Repeal. The 2020 Comprehensive Plan dated January 2009 is hereby repealed.

Section 4. Adoption. The 2030 Comprehensive Plan dated February 2020 is hereby adopted.

Section 5. Effective Date. This ordinance shall become effective immediately upon adoption.

PASSED AND APPROVED by a duly constituted quorum of the Borough Assembly of the Municipality of Anywhere this \_\_\_ day of \_\_\_\_\_, 2021.

\_\_\_\_\_  
[Name], Mayor

ATTEST:

\_\_\_\_\_  
[Name] Borough Clerk

[SEAL]

**SAMPLE ORDINANCE  
EMERGENCY**

Proposed by:	_____
Attorney Review:	_____
Vote: __ Aye	__ Nay __ Absent

**MUNICIPALITY OF ANYWHERE, ALASKA  
EMERGENCY ORDINANCE 21-XX**

AN EMERGENCY ORDINANCE OF THE MUNICIPALITY OF ANYWHERE, ALASKA APPROPRIATING FUNDS TO THE ANYWHERE CREEK FLOOD REMEDIATION PROJECT.

WHEREAS, on July 23, 2021 a landslide/flood deposited approximately 60,000 cubic yards of material north of the Anywhere Creek Bridge, raising the Anywhere Creek river bed 18 feet; and

WHEREAS, failure to remove this material will result in additional flooding of residents on both sides of Anywhere Creek in the fall of 2021; and

WHEREAS, emergency funds are needed to commence the removal of this material before undertaking other remediation efforts.

NOW THEREFORE BE IT ORDAINED AND ENACTED BY THE MUNICIPALITY OF ANYWHERE, ALASKA:

Section 1. Classification. This is an emergency ordinance and shall only be effective for 60 days.

Section 2. Purpose. To appropriate funds to aide in the cleanup effort caused by the landslide and subsequent flooding of Anywhere Creek.

Section 3. Appropriation. There is hereby appropriated \$250,000 to line item 1040-5130-GE, Anywhere Creek Remediation Project.

Section 4. Effective Date. This ordinance shall become effective immediately upon adoption.

PASSED AND APPROVED by a duly constituted quorum of the Borough Assembly of the Municipality of Anywhere this \_\_ day of \_\_\_\_\_, 2021.

\_\_\_\_\_  
[Name], Mayor

ATTEST:

\_\_\_\_\_  
[Name] Borough Clerk

[SEAL]



Proposed by:	_____
Attorney Review:	_____
Vote: __ Aye	__ Nay __ Absent

**MUNICIPALITY OF ANYWHERE, ALASKA  
RESOLUTION 21-XX**

A RESOLUTION OF THE MUNICIPALITY OF ANYWHERE, ALASKA  
CREATING A POLICY FOR NAMING STREETS, PUBLIC PLACES, AND  
FACILITIES IN THE ANYWHERE BOROUGH.

WHEREAS, the naming of streets, public places, and facilities is an honored tradition that connects people to history, reflecting noble or admirable individuals or groups of individuals united in a cause worthy of remembering; and

WHEREAS, the naming of streets, public places, and facilities in honor of those individuals or groups, when undertaken without regard to the full scope and complexity of human character, can negatively impact those groups of people who may have suffered harm by the decisions and policies enacted by those people or groups; and

WHEREAS, the Borough sees the value in naming streets, public places, and facilities for individuals and groups of individuals that citizens agree are deserving of the honor;

NOW THEREFORE BE IT RESOLVED THAT:

The Anywhere Borough Assembly may by resolution elect to name a street, public place, or facility for an individual or groups of individuals united in a cause after five years has lapsed since the death of the individual or the disbanding of the group, and the public has been provided the opportunity to be heard and submit written comment on the proposed naming following public notice of at least twenty-one (21) days.

Similarly, the removal or change of name of an existing street, public place, or facility in the Anywhere Borough may be considered only after the public has been provided the opportunity to be heard and submit written comment on the proposal.

PASSED AND APPROVED by a duly constituted quorum of the Borough Assembly of the Municipality of Anywhere this \_\_ day of \_\_\_\_\_, 2021.

\_\_\_\_\_  
[Name], Mayor

ATTEST:

\_\_\_\_\_  
[Name] Borough Clerk

[SEAL]

## **Chapter 4 Supplements**

Municipality of Anchorage Code Chapter 3.95 Records Management

Sample Public Records Request Form

Municipality of Anchorage Code Chapter 3.90 Access to Public Records

## Chapter 3.95 - RECORDS MANAGEMENT

*Footnotes:*

--- (1) ---

**Cross reference**— *Anchorage police and fire retirement system, ch. 3.85.*

**State Law reference**— *Management and preservation of public records, AS 40.21.010—40.21.140.*

### 3.95.010 - Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Agency* means the assembly and any department, office, board or commission of the municipality.

*Record* means any information developed or received under law or in connection with the transaction of agency business and preserved or appropriate for preservation as evidence of the organization, function, policies, decisions, procedures, operations or activities of the municipality or because of their informational value. A record may originate in any form including but not limited to spoken words, handwriting, typewriting, printing, photostating, photographing and any other form of communication or reproduction, and be preserved upon any medium, including but not limited to paper, magnetic or paper tape, photographic film or prints, magnetic or punched cards, discs, drums and phonograph records, or any electronic format. The term "records" does not include:

1. Library and museum material developed or acquired and preserved solely for reference, historical or exhibition purposes, extra copies of documents preserved solely for convenience of reference, or stocks of publications and processed documents.
2. Reference files.
3. Transitory files.

*Reference files* means copies of notes, feeder notes and similar working papers accumulated in preparation of a communication, study or other writing or record.

*Transitory files* means transmittal letters, suspense copies when a reply has been received, routine requests for information and publications, tracer letters, feeder reports and the like.

(AO No. 83-56; AO No. 2007-81, § 1, 6-12-07)

**Cross reference**— Definitions and rules of construction generally, § 1.05.020.

3.95.020 - Records management program.

There shall be a records management program in the office services division of the department of information technology. The records management program shall provide for the orderly and efficient management, retention, preservation and disposal of records in accordance with this chapter.

(AO No. 83-56; AO No. 2002-69, § 5, 5-14-02)

3.95.030 - Records management officer.

The director of the department of information technology or his designee shall be the records management officer. The records management officer shall administer the records management program and perform the duties set forth in this chapter.

(AO No. 83-56; AO No. 2002-69, § 6, 5-14-02)

3.95.040 - Establishment of standards and procedures; records manual.

- A. The records management officer shall develop a records manual which will identify proper records procedures for all municipal agencies. Each agency shall manage its records in accordance with the records manual.
- B. In accordance with the records manual the records management officer shall:
  1. Establish standards for records maintenance and security within agencies.
  2. Make continuing surveys of paperwork operations and implement improvements in current records management practices, including the use of space, equipment and supplies.
  3. Initiate programs for improving the management of correspondence, forms, reports and directives as integral parts of the records management program.
  4. Institute and maintain a training and information program in all phases of the management of current records for all agencies.
  5. Establish standards for preparing records retention schedules.
  6. Recommend and obtain from agencies records retention schedules conforming to this chapter and administer schedules approved under this chapter.

7. Obtain from agencies reports and other information necessary for the administration of the records management program.
8. Provide centralized microfilm service for agencies.

(AO No. 83-56)

#### 3.95.050 - Records center and archive.

- A. The records management officer shall establish and operate a records center for the purposes of accepting, servicing, microfilming, storing and protecting records which must be preserved for varying periods of time but which are not needed for the transaction of current business.
- B. The records management officer shall establish and operate an archive for the preservation, arrangement, repair, duplication, reproduction, description and retrieval of records to be retained permanently by the municipality.
- C. In operating the records center and archive, the records management officer shall:
  1. Prepare inventories, indices, catalogs and other finding aids or guides to facilitate the use of the records center and archive.
  2. Accept documents that have been deemed appropriate for preservation by the municipality as evidence of its organization, functions, policies, decisions, procedures and transactions.
  3. Establish and maintain a master retention schedule for all records.

(AO No. 83-56)

#### 3.95.060 - Records retention schedule.

- A. Each agency shall prepare, in accordance with the records management manual, a schedule stating for each type of record produced by the agency:
  1. The duration for which the agency will retain the record for the transaction of current business.
  2. The duration after which the record will have no further legal, administrative, fiscal or historical value, and may be destroyed.
- B. Each agency shall update its records retention schedule at reasonable intervals.
- C.

The records management officer shall compile the submissions under subsection A of this section into a master retention schedule, which shall be submitted to the municipal clerk, internal auditor and controller for review.

- D. All records shall be transferred to the records center in accordance with the master retention schedule adopted under this section.

(AO No. 83-56)

**State Law reference**— Management and preservation of public records, AS 40.21.010.

#### 3.95.070 - Disposal of records.

- A. Until such time as the assembly approves a master retention schedule, no records may be destroyed without assembly approval.
- B. Upon assembly approval of a master retention schedule, agencies shall dispose of records in accordance with that schedule.
- C. An agency may dispose of reference files and transitory files at the agency's discretion when they no longer are required for the transaction of municipal business.
- D. Records of a confidential nature shall be disposed of by shredding. All other records shall be disposed of in an appropriate manner.

(AO No. 83-56)

**State Law reference**— Disposal of public records by municipality, AS 40.21.080.

#### 3.95.080 - Copies of records.

Records not otherwise required by law to be preserved in original form, and records that are worn or damaged, may be copied by photostatic, photographic, microphotographic, microfilm or other mechanical or electronic process which produces a clear, accurate and accessible copy of the original. The copy shall be accessible and durable for as long as the retention schedule requires and shall be destroyed at the end of retention period. All records copied under this section shall be maintained as set forth in the records manual. Upon meeting the provisions in this chapter, the copy shall be considered as the original record for all purposes and the original may be destroyed.

(AO No. 83-56; AO No. 2007-81, § 2, 6-12-07)

#### 3.95.090 - Custody and ownership of records.

- A. All records are the property of the municipality unless otherwise provided for by law.
- B. At the end of his term of office or employment, a municipal official or employee shall deliver all of the records in his possession to his supervisor or successor.
- C. The records management officer may initiate actions to recover records unlawfully removed from municipal possession.

(AO No. 83-56)

3.95.095 - Applicability of chapter to Anchorage Telephone Utility. (Repealed)

(AO No. 91-173(S); AO No. 2007-81, § 3, 6-12-07)

3.95.100 - Authority to prescribe additional regulations.

The records management officer may promulgate regulations in accordance with chapter 3.40 to implement, interpret or make specific the provisions of this chapter.

(AO No. 83-56)



# City of Homer PUBLIC RECORDS REQUEST FORM

**Office of the City Clerk**

491 East Pioneer Avenue

Homer, Alaska 99603

[clerk@cityofhomer-ak.gov](mailto:clerk@cityofhomer-ak.gov)

Phone: (907) 235-3130

Fax: (907) 235-3143

The City Clerk's Office staff shall respond within ten (10) working days of the request. This time frame may be extended by written notification of the need for additional time before expiration of the response period. If the request is denied in whole or in part, you will be notified in writing.

Requestor's Name: \_\_\_\_\_ Phone: \_\_\_\_\_

Name of Business, Law Firm, and/or Company: \_\_\_\_\_

Mailing Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Email: \_\_\_\_\_ Fax: \_\_\_\_\_

Are you involved in litigation or appeal with the City of Homer?  Yes  No

If yes, which case(s)? \_\_\_\_\_

Does this request pertain to the above litigation(s) or any future potential litigation(s)?  Yes  No

I would like to receive the documents by:  Mail  Fax  Email  Will Pick Up  For Review Only

Title, Date, & Description of Record: \_\_\_\_\_

I certify the information I provided on and in connection with this form is true and correct to the best of my knowledge. I also understand that any false statements or deliberate omissions on this form may subject me to legal actions for fraudulent misrepresentation.

Requestor's Signature: \_\_\_\_\_ Date: \_\_\_\_\_

### FOR OFFICE USE ONLY

Date Request Received: \_\_\_\_\_ Completed By (Name) or Referred to (check dept. box below): \_\_\_\_\_

Photocopies (print or electronic)	\$0.25 per page	\$ _____
Audio Copy	\$25.00 per CD/Zip Drive	\$ _____
Police Report Photos (CD)	\$25.00 per CD	\$ _____
Other	\$25.00 each	\$ _____
Salary of staff (hourly rate plus benefits) filling a request when retrieval and duplication of documents requested generated in excess of 5 hours.	\$ _____ labor x _____ hours	\$ _____
Total Charges		\$ _____

Request for Record(s) Copy(ies) total \$ \_\_\_\_\_ was received on \_\_\_\_\_ and provided or mailed/emailed on \_\_\_\_\_.

Record(s) or Information is exempt from disclosure and public access is denied. Requestor was notified on \_\_\_\_\_.

Record(s) or Information available online at [www.cityofhomer-ak.gov](http://www.cityofhomer-ak.gov).

The departments that have a check mark have been copied to assist in filling this records request:

- |  |  |  |  |
|--|--|--|--|
| <input type="checkbox"/> Administration  | <input type="checkbox"/> Finance         | <input type="checkbox"/> IT - Email        | <input type="checkbox"/> Planning Department |
| <input type="checkbox"/> Fire Department | <input type="checkbox"/> Library         | <input type="checkbox"/> Police Department | <input type="checkbox"/> Harbor Department   |
| <input type="checkbox"/> Public Works    | <input type="checkbox"/> Human Resources | <input type="checkbox"/> City Clerk        | <input type="checkbox"/> Other: _____        |



## Chapter 3.90 - ACCESS TO PUBLIC RECORDS

### *Footnotes:*

--- (1) ---

**Cross reference**— *Anchorage police and fire retirement system, ch. 3.85; reports, minutes and public hearing records of boards and commissions, § 4.05.130.*

**State Law reference**— *Public records, AS 9.25.110—9.25.220; access to public information, AS 39.40.010.*

### 3.90.010 - Policy.

It is the policy of the municipality to provide the fullest and most rapid public access to municipal records and information so that the right of the people to remain informed is protected. In enacting this measure, the assembly recognizes the competing interests of personal privacy and the right of the public to have access to information concerning the conduct of the people's business. This chapter shall therefore be liberally construed to require full disclosure of all public records in the possession or control of any municipal agency, except those specifically exempted under section 3.90.040.

(AO No. 77-50A; AO No. 89-85)

### 3.90.020 - Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Critical infrastructure* means public buildings, telecommunications centers and computers systems, information systems, power generation plants, dams, bridges, road systems, the Port of Alaska, and similar key resources, and systems related to utility services (whether public or private), including fuel supply, energy, hazardous liquid, natural gas, or coal, whether physical or virtual, so vital to the municipality that the incapacity or destruction of these systems would have a debilitating impact on security, municipal economic security, municipal public health or safety, or any combination of those matters.

*Document* means any method of storing information, including but not limited to spoken words, handwriting, typewriting, printing, photostating, photographing and any other form of communication or reproduction, whether a draft or final copy, upon any medium, including but not limited to paper, magnetic or paper tape, photographic film or prints, magnetic or punched cards, discs, drums and phonographic records.

*Mayor* means the mayor of Anchorage.

*Municipal agency* means any department, division, board, commission or private contractor which has custody of public records as defined in this chapter. The school district is a municipal agency. The term "municipal agency" shall also include the Anchorage Telephone Utility until the board of directors of the Anchorage Telephone Utility adopts a municipal regulation governing public access to utility records and setting forth specific exceptions.

*Records* means any document, whether in draft or final form, containing information relating to the conduct of the people's business which is prepared, owned, used or retained by a municipal agency or an agency under contract with the municipality, regardless of the physical form or characteristic of the document.

(AO No. 77-50A; AO No. 85-14; AO No. 89-85; AO No. 91-173(S); AO No. 2015-23(S), § 18, 3-24-15; AO No. 2019-133, § 2, 11-5-19)

**Cross reference**— Definitions and rules of construction generally, § 1.05.020.

### 3.90.030 - Information available to the public.

Except as provided by section 3.90.040, or by other provisions of municipal, state or federal law, the municipality shall make all public records open to inspection by any person subject to guidelines regulating the time, place and manner of inspection which may be adopted by the municipal mayor pursuant to section 3.90.050. The types of records and information open to public inspection pursuant to this chapter shall include but shall not be limited to the following:

- A. Financial and operational cost information, including information as to revenues, expenditures, indebtedness, departmental budget requests and formal departmental recommendations in regard to project priority.
- B. Information relating to contracts to which the municipality is a party, including payment provisions, information relating to bids and requests for proposals received or solicited by the municipality, and information relating to the status of goods or services furnished pursuant to contract.
- C. Regulatory, financial, assessment and tax information concerning real property located within the municipality.
- D.

Salary levels and fringe benefits accorded municipal officers and employees by law, including information in regard to the pay range and step grade of an employee or officer, and statistical analyses or compilations relating to municipal practices and policies concerning compensation for various occupational groups, departments and divisions.

- E. Statistical information and analyses concerning case loads, numbers and categories of persons for whom services were performed or treatment provided, results achieved and per patient per unit cost.
- F. Feasibility, management, cost effectiveness and similar reports prepared by the municipality or for the municipality under contract, whether in draft or final form, when such reports are prepared with municipal or other government monies.

The enumeration of information available for public inspection set out in this section is not designed to limit the categories of records and information that shall be made available to the public, nor is it designed to require disclosure of items specifically exempted from disclosure pursuant to section 3.90.040. The policy of providing public access to public information shall be broadly and liberally construed, and, where there is no express policy governing the release of a particular report or other information, the information shall be released providing its release does not conflict with the privacy rights of ordinary citizens.

(AO No. 77-50A; AO No. 85-14)

### 3.90.040 - Exemptions for particular records.

This chapter shall not be construed to require disclosure of:

- A. Communications between any agency and the municipal attorney's office which contain legal questions concerning pending or actual litigation. This subsection does not protect from disclosure documents which were public records prior to the commencement of the litigation, and public records which are otherwise subject to disclosure may not be protected from disclosure by mere submission to the attorney.
- B. Personnel, payroll or medical files, equal rights commission files or other files which reveal the financial or medical status of any specific individual, the release of which would constitute an unwarranted invasion of privacy.
- C.

Police investigation files compiled by any agency as a part of an investigation of criminal activity, except that such records may be released to other governmental agencies if necessary to the proper administration of justice. Police information practices in regard to criminal justice information shall be governed by the provisions of AS 12.62.110 et seq. and the regulations promulgated thereunder. This chapter shall not be construed to require disclosure of records or information compiled for law enforcement purposes, but only to the extent that the production of the law enforcement records or information:

1. Could reasonably be expected to interfere with enforcement proceedings;
  2. Would deprive a person of a right to a fair trial or an impartial adjudication;
  3. Could reasonably be expected to constitute an unwarranted invasion of personal privacy of a suspect, defendant, victim or witness;
  4. Could reasonably be expected to disclose the identity of a confidential source;
  5. Could disclose confidential techniques and procedures for law enforcement investigations or prosecutions;
  6. Would disclose guidelines for law enforcement investigations or prosecutions if the disclosure could reasonably be expected to risk circumvention of the law; or
  7. Could reasonably be expected to endanger the life or physical safety of an individual.
- D. The name, address, telephone number or other identifying information about complainants in actions to enforce building, zoning, environmental or other municipal ordinances or regulations.
1. This subsection does not prohibit disclosure of the contents of the complaint, so long as the complainant is not identifiable.
  2. This subsection does not prohibit disclosure of the name of the complainant when such disclosure becomes necessary to the fair and just disposition of the charge or complaint in enforcement proceedings.
- E. Records held by the Port of Alaska or any public utility pertaining to any client, customer or subscriber, the release of which would constitute an unwarranted invasion of the privacy of that customer.
- F. Records or engineering or other technical data, which, if released, would provide a competitive advantage to any other person engaged in similar or related activities.
- G.

Proprietary information which a manufacturer, consultant or provider reasonably requires to be kept privileged or confidential to protect the property interests of persons providing the information or data.

- H. Information which municipal governments engaged in collective bargaining regularly consider to be privileged or confidential for purposes of successful collective bargaining.
- I. Information obtained by and in the custody of insurance carriers insuring the municipality and their attorneys and agents regarding possible and pending claims against the municipality.
- J. Health, mental health, medical, juvenile and personality problem information obtained or prepared by the municipality with respect to any person for whom treatment or services were provided.
- K. Personal information other than name and address given to the municipality with the legitimate expectation of privacy in conjunction with licenses, permits or other municipal services.
- L. Draft internal audit reports and supporting work papers until respective management officials have had the opportunity to review the draft audit findings for accuracy of fact and substance and provide written responses to the director of internal audit. The maximum time allowed for this exemption will not exceed 30 days from the date of the draft audit report.
- M. Reserved.
- N. Any documents otherwise subject to disclosure under this chapter if the requestor or the requestor's principal is in litigation with the municipality or a municipal agency in a judicial or administrative forum. Disclosure of any records relevant to that litigation, or reasonably likely to lead to the discovery of relevant evidence, shall be governed by the rules or orders of that forum and not by this chapter.
- O. Any records or documents which are accorded confidential or privileged status by this Code or which are accorded confidential or privileged status under state or federal law and which have been provided on a condition that the information retain its privileged or confidential nature.
- P. Any records, documents or information provided to the municipality or its agents, by a private employer in response to a salary and/or benefits survey whose disclosure would adversely affect the private employer's ability to compete, or is

required to be kept privileged or confidential to protect the property interests of the private employer. If questions arise regarding the accuracy of the representation of a private employer's response to the survey in any report prepared by the municipality or its agents, the internal auditor will be asked to review the results and comment on the accuracy of the representations, but the records, documents and information supplied by the private employer shall remain confidential and not subject to disclosure.

Q. 1. The following records provided to the municipality by a person requesting an award from the 49<sup>th</sup> State Angel Fund:

- a. Income tax returns;
  - b. Financial statements, profit-and-loss statements, or cash flow projections;
  - c. Business plans;
  - d. Credit reports from consumer reporting agencies or other credit information obtained from banks, creditors, or other credit reporting entities;
  - e. Trade secrets, including confidential proprietary information or confidential information about products, pricing, or manufacturing or business processes;
  - f. Appraisals;
  - g. Market surveys or marketing strategy information;
  - h. Third party financing and similar data required to be reported by the municipality to the federal government; or
  - i. Terms and conditions of any award, except "boilerplate", company name, interest rate, if applicable and total principal amount of the award.
2. Information compiled by the municipality from records, documents or information described in subsection 1. shall be kept confidential unless disclosure is authorized by the person providing the information.
  3. Disclosure of a confidential record to an advisory committee shall not constitute a waiver of confidentiality by the person submitting the record or by the municipality, nor shall it constitute a conversion of the record to a public record. Committee discussion of confidential information shall occur only in executive session.

4.

Nothing in this section shall prevent an assembly member from reviewing information otherwise confidential under this section if the assembly member has a valid legislative purpose for reviewing the information and if the assembly member agrees to maintain the confidentiality of the information.

R. Records or information pertaining to security and critical infrastructure in the municipality.

1. Records or information pertaining to a plan, program, or procedures for establishing, maintaining, or restoring security and critical infrastructure in the municipality, or to a detailed description or evaluation of systems, facilities, or critical infrastructure in the municipality, shall be kept confidential, but only to the extent that the production of the records or information:
  - a. Could reasonably be expected to interfere with the implementation or enforcement of the security plan, program, critical infrastructure, or procedures;
  - b. Would disclose confidential guidelines for investigations or enforcement and the disclosure could reasonably be expected to risk circumvention of the law; or
  - c. Could reasonably be expected to endanger the life or physical safety of an individual or to present a real and substantial risk to the public health and welfare.
2. Nothing in this section may be construed to limit disclosure required for necessary construction, renovation, or remodeling work on a public building or other part of the critical infrastructure of the municipality. Disclosure under this subsection does not constitute public disclosure.

(AO No. 77-50A; AO No. 91-7(S-1); AO No. 91-173(S); AO No. 92-18; AO No. 96-102, § 1, 8-6-96; AO No. 2012-59, § 1, 7-10-12, eff. retroactive from 5-14-12; AO No. 2015-23(S), § 16, 3-24-15; AO No. 2017-122(S), § 6, 10-24-17; AO No. 2019-133, § 3, 11-5-19)

**Editor's note**— Ch. 118 SLA 1994 repealed AS 12.62.010 et seq., formerly referred to in subsection C, and enacted corresponding sections AS 12.62.110 et seq.

**Cross reference**— Personnel rules, ch. 3.30; employee relations, ch. 3.70; penal code, tit. 8; business licenses and regulations, tit. 10; Port of Alaska, ch. 11.50; health, tit. 16.

**State Law reference**— Public records; exceptions; certified copies, AS 40.25.120.

3.90.050 - Departmental regulation of time, place and manner of inspection of records.

The mayor shall, pursuant to chapter 3.40, adopt municipal regulations for each municipal department as to the time, place and manner of inspection of public records held by the municipality. Such regulations may also provide:

- A. That a fee may be required. The fee shall not exceed the actual cost to the agency. No fee shall be charged when a person simply requests access to the information, however employee time may be charged when the nature of the information requires custodial observation of the access. If the person is unable to pay any requested fee, and signs an affidavit to the effect he is indigent, there will be no cost to such person.
- B. The form in which the specified documents shall be made available. Documents need not be reproduced in the exact form or medium in which they are stored. However, any alteration of the form or medium of public records shall not change the substantive content of the information contained in the public record. When the actual content is changed, the nature of the change and why it was necessary shall be communicated to the requester.

Regulations adopted pursuant to this section shall be posted in a conspicuous manner at the place designated for inspection of each department's or agency's documents.

(AO No. 77-50A; AO No. 79-27; AO No. 2010-81(S-1), § 35, 12-7-10, eff. 1-1-11)

**State Law reference**— Public records open to inspection and copying; fees, AS 9.25.110.

3.90.060 - Response to requests for public records.

All municipal officers and employees shall, consistent with the orderly conduct of municipal business, make a good faith and diligent effort to provide a rapid and intelligible response to requests for inspection of records made pursuant to this chapter. To effect this policy, the following guidelines are adopted:

- A. Information pursuant to this chapter shall be furnished promptly to the requesting party unless the information requested is declared privileged or confidential pursuant to applicable federal, state or municipal law. If the officer or employee considers the information to be privileged, he shall prepare a slip setting forth the date, the item of information requested, the specific provision of applicable state,



federal or municipal law exempting the requested information from disclosure, and the title and signature of the person withholding the information. A copy of this slip shall be provided to the party requesting the information. If an officer or employee of the municipality called upon to furnish information pursuant to this chapter is uncertain as to whether or not the material sought is privileged or otherwise exempt from disclosure, he shall indicate this on the slip, and shall further identify his supervisor so that the request for inspection of documents may be submitted to the officer or employee authorized to make a decision on the matter. A copy of this slip shall be given to the requesting party.

- B. Any denial of a request for information or inspection of public records shall be automatically appealed to the mayor, and a written reply will be given within seven working days either granting or denying the appeal. Any appeal from the municipal clerk's office or ombudsman's office concerning municipal government or municipally owned utilities shall go to the assembly. Any appeal from the school district or ombudsman's office concerning the school district shall go to the school board.
- C. All requests for records and information made pursuant to this chapter shall be responded to within a reasonable time period. If the records and information cannot be located in time to make a response within two working days of the request, the requesting party shall be promptly advised, and, if the requesting party still desires the information or records, a reasonable and diligent search shall be made for it.

(AO No. 77-50A; AO No. 92-15)

**State Law reference**— Enforcement of public records act; injunctive relief, AS 9.25.125.

3.90.070 - Applicability of chapter to ombudsman and community councils.

Nothing in this chapter shall be construed to increase or diminish the rights, powers and responsibilities accorded to the municipal ombudsman or the various community councils pursuant to separate ordinance.

(AO No. 77-50A)

3.90.080 - Police policies and procedures to be posted online.

The Anchorage Police Department's current policies and procedures for conduct of police officers available to public inspection under this chapter or AS 40.25 shall be posted and displayed on the municipal website, and if revised shall be updated on the website as soon as practicable.

( AO No. 2020-75, § 1, 9-1-20)

**Cross reference**— Exemptions for particular records, § 3.90.040C.

**State Law reference**— Public records; exceptions; certified copies, AS 40.25.120.

## **Chapter 5 Supplements**

Sample Election Calendar

Sample Notice of Election

Sample Notices of Candidacy and/or Offices to be Filled

Sample Notice of Voter Registration

Sample Declaration of Candidacy Form

**CITY OF HOUSTON CLERK'S OFFICE  
ELECTION CALENDAR FOR THE OCTOBER 6, 2020 REGULAR ELECTION**

DATE	ACTION	AUTHORITY
January 01	Absentee By-Mail ballot request applications available.	<a href="#">HMC 3.29.020</a>
July 15	Declaration of candidacy packets available online and from the Office of the City Clerk (target date).	<a href="#">HMC 3.13.020</a>
July 9	Last regularly scheduled Council meeting to <i>introduce</i> legislation placing propositions and questions on the ballot.	<a href="#">HMC 3.05.130</a>
July 20	Candidate filing period opens at 9 a.m.	<a href="#">HMC 3.13.020</a>
July 31	Candidate filing period closes at 5 p.m.	<a href="#">HMC 3.13.020</a>
August 3	Last day to withdraw candidacy at 4 p.m.	<a href="#">HMC 3.13.050</a>
August 8	Last regularly scheduled Council meeting to <i>adopt</i> legislation placing propositions and questions on the ballot.	<a href="#">HMC 3.05.130</a>
September 6	Last day to register to vote in the 2020 Regular Election.	<a href="#">HMC 3.09.020</a>
September 21	Early In-Person voting begins from 9 a.m. to 5 p.m.	<a href="#">HMC 3.29.040</a>
September 29	Absentee By-Mail Ballot Applications must be received by 5 p.m.	<a href="#">HMC 3.29.020</a>
October 5	Last day to declare candidacy as a write-in candidate by 1 p.m.	<a href="#">HMC 3.13.030</a>
October 5	Early In-Person voting ends at 5 p.m.	<a href="#">HMC 3.29.040</a>
October 6	Election Date – Polls open from 7 a.m. to 8 p.m.	<a href="#">HMC 3.05.030</a>
October 9	Canvass Board	<a href="#">HMC 3.33.075</a>
October 12 *	Election Certification	<a href="#">HMC 3.33.075</a>
October 12 *	Election of Mayor and Deputy Mayor	<a href="#">HMC 2.04.030</a>

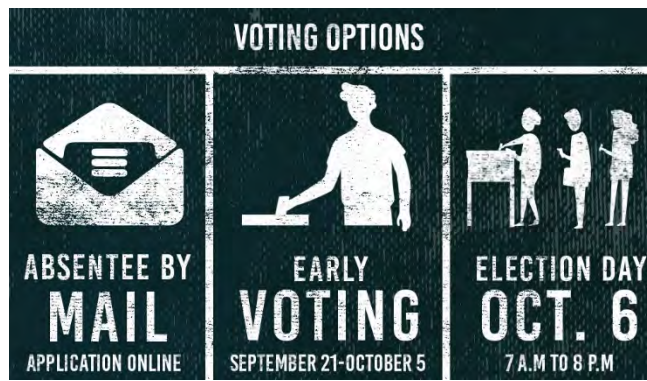
\* Pending

**CITY OF HOUSTON**  
**NOTICE OF REGULAR ELECTION**

Tuesday, October 6, 2020.

For the purpose of voting on the following Council Seats:

<b>City of Houston Council Seat "A"</b> Three-year term ending in October 2023 (Vote for one)	<b>City of Houston Council Seat "B"</b> Three-year term ending in October 2023 (Vote for one)
<ul style="list-style-type: none"><li>• <b>Thompson, Virgie, B.</b></li></ul>	<ul style="list-style-type: none"><li>• <b>Porter, Sandra, M.</b></li></ul>



**POLLING PLACE**

On Election Day, Tuesday, October 6, 2020, polling places are open from 7 a.m. to 8 p.m. City of Houston polling place is: 10-020 Houston City Hall- 13878 W. Armstrong Road, Houston, Alaska, 99694.

**ABSENTEE VOTING BY-MAIL**

Any qualified registered voter may apply to the Clerk for an absentee ballot to be mailed to them. Applications are due no later than September 29, 2020.

**EARLY IN-PERSON VOTING**

Early voting is open from September 21 through October 5, 2020, at the following location:

Houston City Hall - Office of the City Clerk  
13878 W. Armstrong Road, Houston, Alaska, 99694.

Monday – Friday- 9 a.m. to 5 p.m.

Saturdays- 10 a.m. to 3 p.m.

**SPECIAL NEEDS OR ASSISTANCE**

If you or someone you know requires special assistance in voting due to a disability or bilingual need, please contact the Office of the City Clerk at least 24 hours before the time of casting ballots.

**QUESTIONS?**

Contact the Office of the City Clerk at 907-892-6869, via email to [clerk@houston-ak.gov](mailto:clerk@houston-ak.gov) or visit us online

<https://www.houstonak.com/elections>



**CITY OF HOUSTON**  
**NOTICE OF ELECTED OFFICES TO BE FILLED**  
**Regular Election Tuesday, October 6, 2020**

**Candidate Filing Period Opens**

**When and Where to File:**

City of Houston – City Hall  
Office of the City Clerk  
Time: 9:00 a.m. – 5:00 p.m.  
13878 W. Armstrong Road  
Houston, Alaska 99694

**Filing Period:**

Candidate Filing period opens:  
July 20, 2020, at 9 a.m.

Candidate filing period closes:  
July 31, 2020, at 5 p.m.

**Council Seats Open:**

- Council Seat A ( Three Year Term)
- Council Seat B ( Three Year Term)

Candidate filing forms will be posted on  
<http://www.houston-ak.gov/> and available for  
pick up from the Houston City Clerk's office on  
July 15, 2020.

**Qualifications**

- Be a qualified City voter as provided in Houston Municipal Code (HMC) 3.13.010.
- Be a resident of the City, or territory annexed to the City, for one year immediately prior to the election; HMC 2.04.040.
- File a Declaration of Candidacy Form with the City Clerk in accordance with HMC 3.13.015-3.13.020.
- Provide additional information as required by the City Clerk.
- File information as required by Alaska Public Offices Commission (APOC).

**Questions?**

- Visit <http://www.houston-ak.gov/>
- Call the office of the City Clerk at 907.892.6869
- View Facebook pages, *City of Houston, Alaska*
- Email [clerk@houston-ak.gov](mailto:clerk@houston-ak.gov)

**CITY OF HOUSTON**  
Office of the City Clerk  
907-892-6869  
[clerk@houston-ak.gov](mailto:clerk@houston-ak.gov)

## **NOTICE OF VOTER REGISTRATION**

The City of Houston will hold a regular election on **Tuesday, October 6, 2020**. The deadline to qualify to vote in the election is

**Sunday, September 6, 2020**

**Register** to vote in-person at one of the following locations or visit [www.elections.alaska.gov](http://www.elections.alaska.gov) to fill out a Voter Registration Application.

**State of Alaska Division of Elections**  
North Fork Professional Building  
1700 E. Bogard Road  
Building B., Suite 102  
Wasilla, AK 99654  
Phone: 373-8952

**City of Houston City Hall**  
Office of the City Clerk  
13878 W. Armstrong Road  
Houston, AK 99694  
Phone: 892-6869

**Voter Qualifications:** A city resident may vote in a city election only if the person:

- ✓ is qualified to vote in state elections under AS 15.05.010;
- ✓ has been a resident of the City for 30 calendar days immediately preceding the election;
- ✓ is registered to vote in state elections;
- ✓ is not disqualified to vote under Article V of the State Constitution;
- ✓ is a citizen of the United States; and
- ✓ is 18 years of age or older.

**\*\*\*\*\*EARLY AND ABSENTEE VOTING BY MAIL \*\*\*\*\***

The City of Houston will be offering Early and Absentee By-Mail voting for the October 6, 2020 Regular Election.

**Questions?** Contact the Office of the City Clerk at 907.892.6869 or visit our website at [www.houston-ak.gov](http://www.houston-ak.gov).



# Declaration of Candidacy Form

City of Houston Regular Election: October 6, 2020

Unless otherwise noted, this document is a public document. Candidate contact information is posted at City Hall and online. This form, accompanied by a \$25.00 fee **must** be submitted to the Clerk's Office, 13878 W Armstrong Road, from July 20, to July 31, 2020. The declaration of candidacy form must be submitted as an original and shall not be submitted by facsimile or electronically.

**I hereby declare my candidacy at the October 6, 2020, Regular Election for the office, seat, and term indicated below. I do hereby swear (affirm) that:**

1. I am registered and in all other respects qualified to vote in City of Houston (City) elections as provided in HMC 3.09.010; and
2. I am a resident of the City and have been a resident of the City or of territory annexed to the City on or before October 6, 2019 (one year immediately prior to the election) (HMC 2.04.040, HMC 3.13.010); and
3. I will serve if elected to office (HMC 3.13.015); and

My **full legal name** is, \_\_\_\_\_

**I declare myself to be a candidate** for the office of (select one):  Council Seat A  Council Seat B  
(The term of office for each office/seat is three-years ending in October 2023)

My current residence address is: \_\_\_\_\_  
Street Number/Name (Apt. No. etc.) City, State, Zip

I have lived at my current residence address since (month/year): \_\_\_\_\_

My mailing address is the same as my residence address, **or** it is: \_\_\_\_\_  
Mailing Address, City, State, Zip

Day Phone: \_\_\_\_\_ Evening Phone: \_\_\_\_\_ Email: \_\_\_\_\_

I request that my name appear on the Regular Election ballot in the following manner:

\_\_\_\_\_  
Last Name First Name MI \*(Nickname/Suffix)

\*The city clerk may NOT include on the ballot as part of the candidate's name, any honorary or assumed title or prefix, but may include the candidate's name, any nickname or familiar form of a proper name of the candidate. (AS 15.15.030(4))

**Candidate Certification.** I hereby swear or affirm that the above declaration and all statements contained herein are true and accurate and that I will serve if elected.

**Confidential Identifier.** Provide one to verify your status as a registered voter.

Date of Birth: \_\_\_\_\_

Voter Number: \_\_\_\_\_

Last 4 of SSN: \_\_\_\_\_

**X** \_\_\_\_\_  
**Candidate's Signature**

Subscribed and sworn to before me on this \_\_\_\_\_ day of July, 2020.

[Seal]

Notary Public Signature: \_\_\_\_\_ Commission Exp.: \_\_\_\_\_

**Office Use Only.** Date/Time Received/Staff Initials:

VREMS Precinct: \_\_\_\_\_ Date of Registration: \_\_\_\_\_  
Certified:  yes  no Date cert. letter sent \_\_\_\_\_

1. Current residence address in City:  yes  no
2. \$25.00 Fee attached:  yes  no
3. Municipal Exemption Statement attached:  yes  no
4. Sign permit and fee attached:  yes  no



## **Chapter 6 Supplements**

Sample Public Feedback Form

Sample News Release

Sample Public Service Announcement



# Tell Us What You Think

The City of Homer welcomes your feedback.

### Suggestion?

Let us know your idea on how we can improve the service we provide.

### Compliment?

Everyone likes to know when they've done a good job. We'll share your comment with the right people.

### Concern?

You may wish to tell us to look at something to help avoid a problem.

Today's Date \_\_\_\_ / \_\_\_\_ / \_\_\_\_ Direct My Comment To \_\_\_\_\_  
(Department)

### Let us follow up with you

Name: \_\_\_\_\_ Contact Info: \_\_\_\_\_

The City of Homer



appreciates  
your feedback.

You may mail this card  
to City Hall or  
hand deliver your  
comment card

Please  
place your  
stamp  
here.

City of Homer  
491 E. Pioneer Avenue  
Homer, AK 99603



OFFICIAL

PRESS RELEASE

**FOR Immediate Release**

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### **3 Mayors and Interior Delegation Chair Agree with Air Force Decision to Expand Air National Guard's KC-135's at Eielson Air Force Base**

**March 30, 2021 (Fairbanks, AK)** – Fairbanks North Star Borough Mayor Bryce Ward, City of Fairbanks Mayor Jim Matherly, City of North Pole Mayor Mike Welch, and Interior Delegation Chair Senator Scott Kawasaki have issued the following statements regarding the Air Force's decision to expand the Air National Guard's KC-135 squadron at Eielson Air Force Base:

**Borough Mayor Bryce Ward's statement:** "The Fairbanks and North Pole area have played a significant role in defense of our nation through the support of our local military bases. The decision to stand up an Active Association at Eielson is the next step supporting our nation's defense. The addition of four KC-135s to the Eielson flight line and the associated 220 plus personnel to our community will be warmly welcomed. Preparations for the additional personnel and additional housing needed must begin now in the North Pole area."

**Interior Delegation Chair Senator Scott Kawasaki's statement:** "As the Chair of the Interior Delegation, I am excited to hear about the U.S. Air Force's decision to house four additional KC-135's at Eielson Air Force Base. The interior receives additional benefits having new military members and their dependents enhance the economic, ethnic, and cultural diversity of the Fairbanks North Star Borough. I have seen first-hand as the Senator representing Fort Wainwright, how important our partnership is with our military family."

**City of Fairbanks Mayor Jim Matherly's statement:** "I was delighted to hear of the increase of additional KC-135's to Eielson Air Force Base. As was the case when the F-35's came to Eielson, I'm confident we will see the benefits of this type of growth to our military, as well as the benefits to our community. We appreciate the Air Force's commitment to the Arctic, and we will continue to support our airmen and women and their families in any way we can."

**City of North Pole Mayor Mike Welch's statement:** "The acquisition and basing of an extra four KC-135 Stratotankers to Eielson AFB marks a signal accomplishment of Alaska's Congressional Delegation. We live in times where America's air superiority is being challenged daily by our adversaries, both in the Arctic and worldwide. Once those Stratotankers arrive in 2023, it will mark 50 years since I first served in the U.S. Air Force in the Arctic, which indicates that our strategy is still sound and has come full circle. The City of North Pole looks forward to hosting the additional 220 airmen and their families for many years to come.

The Fairbanks North Star Borough commends this decision by the Air Force, and we remain committed to supporting the airmen and their families as they make their way to the interior. Our community is dedicated to finding ways to enhance and support the mission of the Pacific Air Forces and this announcement is an excellent boost to the economy for years to come.

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## PUBLIC SERVICE ANNOUNCEMENT

### FNSB TRANSPORTATION ANNOUNCES RESTART OF SCHEDULED VAN TRAN SERVICE

March 25, 2020 (**Fairbanks, AK**) – The Fairbanks North Star Borough Transportation Department will resume scheduled Van Tran Service, beginning Thursday, March 26, 2020.

Borough Transit will provide a modified demand response service to the Fairbanks community. This service will be for **medical and grocery trips only** and will be available to all members of the public within Van Tran's normal boundary service area.

This service will be provided on a "first come, first serve" basis with **preference** given to currently eligible Van Tran patrons. The operation hours for this modified demand response service will be Monday through Saturday from 7:00 AM to 9:00 PM. Please call a minimum of one day in advance to schedule your ride.

If you have questions or would like to schedule a ride, confirm location pick up or check on same day ride availability, please call Van Tran Customer Service at 907- 459 -1010. Pick up locations must be within normal Van Tran boundaries which are within  $\frac{3}{4}$  mile of a regular MACS Transit stop.

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## **Chapter 7 Supplements**

None

## **Chapter 8 Supplements**

Sample Sales Tax License Application

Sample Sellers Monthly Return Form

**CITY OF EVERYWHERE  
SALES TAX LICENSE APPLICATION**

Business Name: \_\_\_\_\_  
Business Physical Address: \_\_\_\_\_  
Business Mailing Address: \_\_\_\_\_  
Business Phone: \_\_\_\_\_ Business Email: \_\_\_\_\_  
Entity Type: \_\_\_\_\_ Federal Tax I.D.#: \_\_\_\_\_  
Alaska Business License #: \_\_\_\_\_ NAICS #: \_\_\_\_\_  
Owner(s) Name: \_\_\_\_\_  
Owner(s) Mailing Address: \_\_\_\_\_  
Owner(s) Phone: \_\_\_\_\_

I, \_\_\_\_\_, certify that I have not had any business license or tax license suspended or revoked within the previous six months and have complied with all State and Federal Licensing requirements. I swear (or affirm) that the above application is true, correct and complete to the best of my knowledge. Signed and dated this \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

\_\_\_\_\_  
Signature of Applicant

No sales tax license shall be issued to or renewed for a person who is required to have a state business license registration or permit, until that applicant submits evidence (1) that he or she has in his or her possession, or has applied for, the state business license, registration or permit, and (2) that all license, registration and permit fees have been paid current. A licensee, registrant or permittee whose fee falls due annually shall have 30 days after the due date in which to submit proof that the state license, registration or permit has been obtained. (Ordinance No. 06-1321)

No sales tax license may be issued to or renewed for a person owing a judgment, delinquent taxes, or a utility bill to the City of Everywhere, except by terms and conditions established in each such case by the city manager. (Ordinance No. 06-1321) There shall be a one-time, non-refundable fee of \$15.00 with the original application for the sales tax license. The license shall be renewed annually by February 1 without further payment of such fee. The sales tax license shall be non-transferable. (Ordinance No. 06-1321)

\*\*\*\*\*

For City Clerk Use Only:

Amount Paid: \_\_\_\_\_ License No. issued: \_\_\_\_\_  
Date: \_\_\_\_\_ Date issued: \_\_\_\_\_

**CITY OF EVERYWHERE**  
**Seller's Monthly Return**  
DUE ON OR BEFORE THE 20<sup>TH</sup> OF EACH MONTH

<b>For Office Use Only</b> Received _____ by _____ Amount Received _____ Receipt No. _____
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Name of Business/Entity: \_\_\_\_\_

Individual: \_\_\_\_\_ Title: \_\_\_\_\_

Sales Tax License #: \_\_\_\_\_ Filing Period Ending: \_\_\_\_\_

Disregard any items below not applicable to business reported:

- 1. Total retail sales and rentals of goods and services \$ \_\_\_\_\_
- 2. Less exceptions (See 17.05.010b) \$ \_\_\_\_\_
- 3. Less exemptions – ENCLOSE SLIPS (See 17.05.030) \$ \_\_\_\_\_
- 4. Total taxable retail sales/rentals of goods and services \$ \_\_\_\_\_

**Computation of Tax**

- A. 4% of Line 4 \$ \_\_\_\_\_
- B. 3% of Line A (credit for prompt remittance)\* \$ \_\_\_\_\_
- C. Balance (subtract Line B from Line A) 8% \$ \_\_\_\_\_
- D. Interest (if paid after the 20<sup>th</sup>) \$ \_\_\_\_\_
- E. Penalty\*\* \$ \_\_\_\_\_
- F. Remittance (add Lines C through E) \$ \_\_\_\_\_

\*Line B may be deducted only when Report is filed and tax paid on or before the 20<sup>th</sup> of the month following the calendar month of the taxable transaction. Line B maximum - \$35.00

\*\*Penalty is 5% for delinquency of less than one month, or 10% for delinquency in excess of one month.

I, (Name) \_\_\_\_\_, do solemnly swear that I am the person stated hereinabove making the foregoing report: under penalties of perjury, I declare I have examined this return and to the best of my knowledge and belief, it is true, correct, and complete.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date



## **Chapter 9 Supplements**

None